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ABSTRACT

Prepared by the state librarian of Michigan, this compilation of laws is intended to help librarians, government officials, and citizens familiarize themselves with the many state statutes that affect the operation and development of libraries in Michigan. The document includes excerpts of laws pertaining to public libraries, school libraries, library networks, provisions for handicapped users, types of funding, and availability of public records. (THC)

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MICHIGAN STATE LAWS RELATING TO MICHIGAN LIBRARIES



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MICHIGAN
STATE LAWS RELATING TO
MICHIGAN LIBRARIES



Prepared by the
LEGISLATIVE SERVICE BUREAU
in Cooperation With the
LIBRARY OF MICHIGAN



PREFACE

As Michigan State Librarian I am pleased to present this compilation of *State Laws Relating to Michigan Libraries*.

It is essential that librarians, government officials and citizens be aware of the many state statutes which affect the operation and development of libraries in Michigan. The Library of Michigan is committed to strengthening library services throughout Michigan. This compilation of library laws is part of that commitment. *State Laws Relating to Michigan Libraries* is reprinted under the editorial direction of the Legislative Service Bureau from the text of the Michigan Compiled Laws supplemented through Act No. 250 of the Public Acts of 1984.

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It is my hope that this publication will increase the awareness of the legal rights and operations of Michigan libraries.

James W. Fry
State Librarian

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- 600.2917 Liability of merchant or library for conduct involving person suspected of larceny of goods or of library materials; definitions.

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- 600.4845 Moneys from fines and penalties; duties of county treasurer.
- 600.4851 County law library fund; maximum sums credited from library fund; payment upon order of circuit judge or presiding judge; annual report.

CHAPTER 83 DISTRICT COURT: JURISDICTION; POWERS

- 600.8379 Fines and costs; payment; disposition.

DISSEMINATING, EXHIBITING, OR DISPLAYING SEXUALLY EXPLICIT MATTER TO MINORS (EXCERPTS) Act 33 of 1978

- 722.675 Distributing obscene matter to minor; misdemeanor; penalty.
- 722.676 Person excepted from §722.675.

THE MICHIGAN PENAL CODE (EXCERPTS) Act 328 of 1931

CHAPTER LII LARCENY

- 750.364 Larceny from libraries.

CHAPTER LVI MALICIOUS AND WILFUL MISCHIEF AND DESTRUCTION

- 750.391 Maliciously injuring or mutilating library books.

DISTURBANCE OF RELIGIOUS MEETINGS (EXCERPTS) R.S. 1846, Ch. 158

- 752.526 Religious meeting, disturbance, carrying on certain business within two miles, obstruction of highway; penalty, disposal of fine.

UNAUTHORIZED TRANSFER OF RECORDED SOUND Act 274 of 1975

- 752.781 "Owner" defined.
- 752.782 Transfer of recorded sound for sale or sales promotion without consent of owner; penalty.
- 752.783 Advertising or sale of recorded sound without consent of owner.
- 752.784 Recordings to which §§752.782 and 752.783 applicable.
- 752.785 Persons to whom act inapplicable.

CONSTITUTION OF MICHIGAN OF 1963 (EXCERPTS)
PREAMBLE

Preamble.

We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE VIII (EXCERPTS)
Education

§9 Public libraries, fines.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, townships and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

History: Const. 1963, Art. VIII, §9, Eff. Jan. 1, 1964.

Former Constitution: See Const. 1908, Art. XI, §14.

LEGISLATIVE COUNCIL ACT (EXCERPTS)
Act 412 of 1965

AN ACT to create the legislative council; to prescribe its membership, powers and duties; to create a legislative service bureau to provide staff services to the legislature and the council; to create a law revision commission; to create a senate fiscal agency and a house fiscal agency; and to repeal certain acts and parts of acts.

History: 1965, Act 412, Eff. Jan. 1, 1966;—Am. 1972, Act 228, Imd. Eff. July 25, 1972.

The People of the State of Michigan enact:

4.315 Legislative service bureau; director; appointment, qualifications, compensation.

Sec. 5. The council shall maintain bill drafting, research and other services for the members of the legislature in a bureau to be known as the legislative service bureau which is hereby created. The bureau shall consist of a legislative reference library, a research section and a statute revision section. The council shall appoint a director of the legislative service bureau who shall serve at the pleasure of the council. The director shall devote his full time to the duties of his office, shall be qualified by experience and ability to conduct the work of his office and shall receive such compensation as fixed by the council.

History: 1965, Act 412, Eff. Jan. 1, 1966.

4.317 Legislative reference library; research and technical assistance.

Sec. 7. The bureau shall maintain a legislative reference library containing material which may be of use in connection with legislation. Upon request, the bureau shall furnish research services to members of the legislature. The bureau shall furnish such technical and other assistance to legislative committees as may be authorized by the council.

History: 1965, Act 412, Eff. Jan. 1, 1966.

except as otherwise expressly provided by section 13. A person has a right to subscribe to future issuances of public records which are created, issued, or disseminated on a regular basis. A subscription shall be valid for up to 6 months, at the request of the subscriber, and shall be renewable.

(2) A public body shall furnish a requesting person a reasonable opportunity for inspection and examination of its public records, and shall furnish reasonable facilities for making memoranda or abstracts from its public records during the usual business hours. A public body may make reasonable rules necessary to protect its public records and to prevent excessive and unreasonable interference with the discharge of its functions.

(3) This act does not require a public body to make a compilation, summary, or report of information, except as required in section 11.

This act does not require a public body to create a new public record, except as required in sections 5 and 11, and to the extent required by this act for the furnishing of copies, or edited copies pursuant to section 14(1), of an already existing public record.

(5) The custodian of a public record shall, upon request, furnish a requesting person a certified copy of a public record.

History: 1976, Act 442, Eff. Apr. 13, 1977.

Cited in other sections: Section 15.233 is cited in § 257.208.

15.234 Fees; waiver or reduction; affidavit; deposit; calculation of costs; provisions inapplicable to certain public records; review by bipartisan joint committee; appointment of members.

Sec. 4. (1) A public body may charge a fee for providing a copy of a public record. Subject to subsection (3), the fee shall be limited to actual mailing costs, and to the actual incremental cost of duplication or publication including labor, the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information as provided in section 14. Copies of public records may be furnished without charge or at a reduced charge if the public body determines that a waiver or reduction of the fee is in the public interest because furnishing copies of the public record can be considered as primarily benefiting the general public. A copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request, to an individual who submits an affidavit stating that the individual is then receiving public assistance or, if not receiving public assistance, stating facts showing inability to pay the cost because of indigency.

(2) At the time the request is made, a public body may request a good faith deposit from the person requesting the public record or series of public records, if the fee provided in subsection (1) exceeds \$50.00. The deposit shall not exceed 1/2 of the total fee.

(3) In calculating the costs under subsection (1), a public body may not attribute more than the hourly wage of the lowest paid, full-time, permanent clerical employee of the employing public body to the cost of labor incurred in duplication and mailing and to the cost of examination, review, separation, and deletion. A public body shall utilize the most economical means available for providing copies of public records. A fee shall not be charged for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information as provided in section 14 unless failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the request in the particular instance, and the public body specifically identifies the nature of these unreasonably high costs. A public body shall establish and publish procedures, and guidelines to implement this subsection.

(4) This section does not apply to public records prepared under an act or statute specifically authorizing the sale of those public records to the public, or where the amount of the fee for providing a copy of the public record is otherwise specifically provided by an act or statute.

(5) Three years after the effective date of this act a bipartisan joint committee of 3 members of each house shall review the operation of this section and recommend appropriate changes. The members of the house of representatives shall be appointed by the speaker of the house of representatives. The members of the senate shall be appointed by the majority leader of the senate.

History: 1976, Act 442, Eff. Apr. 13, 1977.

Constitutionality: The disclosure of public records under the freedom of information act impartially to the general public for the incremental cost of creating the record is not a granting of credit by the state in aid of private persons and does not justify nondisclosure on the theory that the information is proprietary information belonging to a public body. *Kestenbaum v. Michigan State University*, 414 Mich. 510, 417 N.W.2d 1102 (1982).

Cited in other sections: Section 15.234 is cited in §§ 281.704 and 780.623.

15.235 Request to inspect or receive copy of public record; response to request; failure to respond; court order to disclose or provide copies; damages; contents of notice denying request; signing notice of denial; notice extending period of response; grounds for commencement of action.

Sec. 5. (1) A person desiring to inspect or receive a copy of a public record may make an oral or written request for the public record to the public body.

(2) When a public body receives a request for a public record it shall immediately, but not more than 5 business days after the day the request is received unless otherwise agreed to in writing by the person making the request, respond to the request by 1 of the following:

- (a) Grant the request.
- (b) Issue a written notice to the requesting person denying the request.
- (c) Grant the request in part and issue a written notice to the requesting person denying the request in part.
- (d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the public body shall respond to the request. A public body shall not issue more than 1 notice of extension for a particular request.

(3) Failure to respond to a request as provided in subsection (2) constitutes a final decision by the public body to deny the request. If a circuit court, upon an action commenced pursuant to section 10, finds that a public body has failed to respond as provided in subsection (2), and if the court orders the public body to disclose or provide copies of the public record or a portion thereof, then the circuit court shall assess damages against the public body as provided in section 10(5).

(4) A written notice denying a request for a public record in whole or in part shall constitute a final determination by the public body to deny the request or portion thereof and shall contain:

- (a) An explanation of the basis under this act or other statute for the determination that the public record, or the portion thereof, is exempt from disclosure, if that is the reason for denying the request or a portion thereof.
- (b) A certificate that the public record does not exist under the name given by the requester or by another name reasonably known to the public body, if that is the reason for denying the request or a portion thereof.
- (c) A description of a public record or information on a public record which is separated or deleted as provided in section 14, if a separation or deletion is made.

(d) A full explanation of the requesting person's right to seek judicial review under section 10. Notification of the right to judicial review shall include notification of the right to receive attorneys' fees and damages as provided in section 10.

(5) The individual designated in section 6 as responsible for the denial of the request shall sign the written notice of denial.

(6) If a public body issues a notice extending the period for a response to the request, the notice shall set forth the reasons for the extension and the date by which the public body shall do 1 of the following:

- (a) Grant the request.
- (b) Issue a written notice to the requesting person denying the request.
- (c) Grant the request in part and issue a written notice to the requesting person denying the request in part.

(7) If a public body makes a final determination to deny in whole or in part a request to inspect or receive a copy of a public record or portion thereof, the requesting person may commence an action in circuit court, as provided in section 10.

History: 1976, Act 442, Eff. Apr. 13, 1977;—Am. 1978, Act 329, Imd. Eff. July 11, 1978.

Cited in other sections: Section 15.235 is cited in §§29.3b and 299.528.

15.236 Persons responsible for approving denial of request for public record.

Sec. 6. (1) For a public body which is a city, village, township, county, or state department, or under the control thereof, the chief administrative officer of that city, village, township, county, or state department, or an individual designated in writing by that chief administrative officer, shall be responsible for approving a denial under section 5(4) and (5). In a county not having an executive form of government, the chairperson of the county board of commissioners shall be considered the chief administrative officer for purposes of this subsection.

(2) For all other public bodies, the chief administrative officer of the respective public body, or an individual designated in writing by that chief administrative officer, shall be responsible for approving a denial under section 5(4) and (5).

History: 1976, Act 442, Eff. Apr. 13, 1977.

15.240 Action to compel disclosure of public records; commencement; orders; jurisdiction; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10. (1) If a public body makes a final determination to deny a request or a portion thereof, the requesting person may commence an action in the circuit court to compel disclosure of the public records. If the court determines that the public records are not exempt from disclosure, the court shall order the public body to cease withholding or to

produce a public record or a portion thereof wrongfully withheld, regardless of the location of the public record. The circuit court for the county in which the complainant resides or has his principal place of business, or the circuit court for the county in which the public record or an office of the public body is located shall have jurisdiction to issue the order. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(2) An action under this section arising from the denial of an oral request may not be commenced unless the requesting person confirms the oral request in writing not less than 5 days before commencement of the action.

(3) An action commenced pursuant to this section and appeals therefrom shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(4) If a person asserting the right to inspect or to receive a copy of a public record or a portion thereof prevails in an action commenced pursuant to this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person prevails in part, the court may in its discretion award reasonable attorneys' fees, costs, and disbursements or an appropriate portion thereof. The award shall be assessed against the public body liable for damages under subsection (5).

(5) In an action commenced pursuant to this section, if the circuit court finds that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall, in addition to any actual or compensatory damages, award punitive damages in the amount of \$500.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body, not an individual, pursuant to whose public function the public record was kept or maintained.

History: 1976, Act 442, Eff. Apr. 13, 1977;—A.m. 1978, Act 329, Imd. Eff. July 11, 1978.

15.241 Matters required to be published and made available by state agencies; form of publications; effect on person of matter not published and made available; exception; action to compel compliance by state agency; order; attorneys' fees, costs, and disbursements; jurisdiction; definitions.

Sec. 11. (1) A state agency shall publish and make available to the public all of the following:

(a) Final orders or decisions in contested cases and the records on which they were made.

(b) Promulgated rules.

(c) Other written statements which implement or interpret laws, rules, or policy, including but not limited to guidelines, manuals, and forms with instructions, adopted or used by the agency in the discharge of its functions.

(2) Publications may be in pamphlet, loose-leaf, or other appropriate form in printed, mimeographed, or other written matter.

(3) Except to the extent that a person has actual and timely notice of the terms thereof, a person shall not in any manner be required to resort to, or be adversely affected by, a matter required to be published and made available, if the matter is not so published and made available.

(4) This section does not apply to public records which are exempt from disclosure under section 13.

(5) A person may commence an action in the circuit court to compel a state agency to comply with this section. If the court determines that the state agency has failed to comply, the court shall order the state agency to comply and shall award reasonable attorneys' fees, costs, and disbursements to the person commencing the action. The circuit court for the county in which the state agency is located shall have jurisdiction to issue the order.

(6) As used in this section, "state agency", "contested case", and "rules" shall have the same meanings as ascribed to those terms in Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

History: 1976, Act 442, Eff. Apr. 13, 1977.

15.243 Exemptions from disclosure; withholding of information.

Sec. 13. (1) A public body may exempt from disclosure as a public record under this act:

(a) Information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.

(b) Investigating records compiled for law enforcement purposes, but only to the extent that disclosure as a public record would do any of the following:

(i) Interfere with law enforcement proceedings.

(ii) Deprive a person of the right to a fair trial or impartial administrative adjudication.

(iii) Constitute an unwarranted invasion of personal privacy.

- (iv) Disclose the identity of a confidential source, or if the record is compiled by a criminal law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source.
- (v) Disclose law enforcement investigative techniques or procedures.
- (vi) Endanger the life or physical safety of law enforcement personnel.
- (c) A public record which if disclosed would prejudice a public body's ability to maintain the physical security of custodial or penal institutions occupied by persons arrested or convicted of a crime or admitted because of a mental disability, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure.
- (d) Records or information specifically described and exempted from disclosure by statute.
- (e) Information the release of which would prevent the public body from complying with 20 U.S.C. section 1232g.
- (f) A public record or information described in this section which is furnished by the public body originally compiling, preparing, or receiving the record or information to a public officer or public body in connection with the performance of the duties of that public officer or public body, if the considerations originally giving rise to the exempt nature of the public record remain applicable.
- (g) Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy if:
 - (i) The information is submitted upon a promise of confidentiality by the public body.
 - (ii) The promise of confidentiality is authorized by the chief administrative officer of the public body or by an elected official at the time the promise is made.
 - (iii) A description of the information is recorded by the public body within a reasonable time after it has been submitted, maintained in a central place within the public body, and made available to a person upon request. This subdivision shall not apply to information submitted as required by law or as a condition of receiving a governmental contract, license, or other benefit.
- (h) Information or records subject to the attorney-client privilege.
- (i) Information or records subject to the physician-patient, psychologist-patient, minister, priest or Christian science practitioner, or other privilege recognized by statute or court rule.
- (j) A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the time for the receipt of bids or proposals has expired.
- (k) Appraisals of real property to be acquired by the public body until (i) an agreement is entered into; or (ii) 3 years has elapsed since the making of the appraisal, unless litigation relative to the acquisition has not yet terminated.
- (l) Test questions and answers, scoring keys, and other examination instruments or data used to administer a license, public employment, or academic examination, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure.
- (m) Medical, counseling, or psychological facts or evaluations concerning an individual if the individual's identity would be revealed by a disclosure of those facts or evaluation.
- (n) Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action. This exemption shall not apply unless the public body shows that in the particular instance the public interest in encouraging frank communications between officials and employees of public bodies clearly outweighs the public interest in disclosure. This exemption does not constitute an exemption under state law for purposes of section 8(h) of Act No. 267 of the Public Acts of 1976, being section 15.268 of the Michigan Compiled Laws. As used in this subdivision, "determination of policy or action" includes a determination relating to collective bargaining, unless the public record is otherwise required to be made available under Act No. 336 of the Public Acts of 1947, as amended, being sections 423.201 to 423.216 of the Michigan Compiled Laws.
- (o) Records of law enforcement communication codes, or plans for deployment of law enforcement personnel, which if disclosed would prejudice a public body's ability to protect the public safety unless the public interest in disclosure under this act outweighs the public interest in nondisclosure in the particular instance.
- (p) Information which would reveal the exact location of archeological sites. The secretary of state may promulgate rules pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, to provide for the disclosure of the location of archeological sites for purposes relating to the preservation or scientific examination of sites.
- (q) Testing data developed by a public body in determining whether bidders' products meet the specifications for purchase of those products by the public body, if disclosure of the data would reveal that only 1 bidder has met the specifications. This subdivision shall not apply after 1 year has elapsed from the time the public body completes the testing.

(r) Academic transcripts of an institution of higher education established under sections 5, 6 or 7 of article 8 of the state constitution of 1963, where the record pertains to a student who is delinquent in the payment of financial obligations to the institution.

(s) Records of any campaign committee including any committee that receives monies from a state campaign fund.

(t) Unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance, public records of a police or sheriff's agency or department, the release of which would do any of the following:

(i) Identify or provide a means of identifying an informer.

(ii) Identify or provide a means of identifying a law enforcement undercover officer or agent or a plain clothes officer as a law enforcement officer or agent.

(iii) Disclose the personal address or telephone number of law enforcement officers or agents or any special skills that they may have.

(iv) Disclose the name, address, or telephone numbers of family members, relatives, children, or parents of law enforcement officers or agents.

(v) Disclose operational instructions for law enforcement officers or agents.

(vi) Reveal the contents of staff manuals provided for law enforcement officers or agents.

(vii) Endanger the life or safety of law enforcement officers or agents or their families, relatives, children, parents, or those who furnish information to law enforcement departments or agencies.

(viii) Identify or provide a means of identifying a person as a law enforcement officer, agent, or informer.

(ix) Disclose personnel records of law enforcement agencies.

(x) Identify or provide a means of identifying residences which law enforcement agencies are requested to check in the absence of their owners or tenants.

(2) This act shall not authorize the withholding of information otherwise required by law to be made available to the public, or to a party in a contested case under Act No. 306 of the Public Acts of 1969, as amended.

History: 1976, Act 442, Eff. Apr. 13, 1977;—Am. 1978, Act 329, Imd. Eff. July 11, 1978.

Cited in other sections: Section 15.243 is cited in §§ 124.12, 333.5613, and 764.25a.

15.243a Salary records of employee or other official of institution of higher education, school district, intermediate school district, or community college available to public on request.

Sec. 13a. Notwithstanding section 13, an institution of higher education established under section 5, 6, or 7 of article 8 of the state constitution of 1963; a school district as defined in section 6 of Act No. 451 of the Public Acts of 1976, being section 380.6 of the Michigan Compiled Laws; an intermediate school district as defined in section 4 of Act No. 451 of the Public Acts of 1976, being section 380.4 of the Michigan Compiled Laws; or a community college established under Act No. 331 of the Public Acts of 1966, as amended, being sections 389.1 to 389.195 of the Michigan Compiled Laws shall upon request make available to the public the salary records of an employee or other official of the institution of higher education, school district, intermediate school district, or community college.

History: Add. 1979, Act 130, Imd. Eff. Oct. 26, 1979.

15.244 Separation of exempt and nonexempt material; design of public record; description of material exempted.

Sec. 14. (1) If a public record contains material which is not exempt under section 13, as well as material which is exempt from disclosure under section 13, the public body shall separate the exempt and nonexempt material and make the nonexempt material available for examination and copying.

(2) When designing a public record, a public body shall, to the extent practicable, facilitate a separation of exempt from nonexempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the public body shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

History: 1976, Act 442, Eff. Apr. 13, 1977.

Cited in other sections: Section 15.244 is cited in §550.1612.

15.245 Repeal of §§ 24.221, 24.222, and 24.223.

Sec. 15. Sections 21, 22 and 23 of Act No. 306 of the Public Acts of 1969, as amended, being sections 24.221, 24.222 and 24.223 of the Michigan Compiled Laws, are repealed.

History: 1976, Act 442, Eff. Apr. 13, 1977.

15.246 Effective date.

Sec. 16. This act shall take effect 90 days after being signed by the governor.

History: 1976, Act 442, Eff. Apr. 13, 1977.

Administrative rules: R 15.1 et seq. of the Michigan Administrative Code.

OPEN MEETINGS ACT
Act 267 of 1976

AN ACT to require certain meetings of certain public bodies to be open to the public; to require notice and the keeping of minutes of meetings; to provide for enforcement; to provide for invalidation of governmental decisions under certain circumstances; to provide penalties; and to repeal certain acts and parts of acts.

History: 1976, Act 267, Eff. Mar. 31, 1977.

The People of the State of Michigan enact:

15.261 Short title; effect of act on certain charter provisions, ordinances, or resolutions.

Sec. 1. (1) This act shall be known and may be cited as the "Open meetings act".

(2) This act shall supersede all local charter provisions, ordinances, or resolutions which relate to requirements for meetings of local public bodies to be open to the public.

(3) After the effective date of this act, nothing in this act shall prohibit a public body from adopting an ordinance, resolution, rule, or charter provision which would require a greater degree of openness relative to meetings of public bodies than the standards provided for in this act.

History: 1976, Act 267, Eff. Mar. 31, 1977.

Cited in other sections: Section 15.261 et seq. is cited in §§ 3.555, 4.314, 10.72a, 16.276, 16.713, 17.2, 18.13h, 18.79, 18.302a, 18.402, 18.405, 18.422, 28.606, 28.652, 29.3b, 29.22, 29.366, 32.762, 32.821, 35.603a, 36.7, 37.2601, 38.5, 38.136, 38.411, 38.423, 38.557, 38.467, 38.552, 38.1032, 38.1143, 38.1166, 38.1323, 41.8, 41.95, 41.811, 41.837, 42.6a, 42.7, 45.475, 45.510, 46.1, 46.10, 46.11, 46.16, 46.31, 46.353, 46.403, 47.6, 47.13, 65.4, 67.13, 67.64, 74.17, 78.1, 78.23, 85.3a, 88.7, 117.3, 117.5c, 117.5e, 117.15, 120.10a, 120.29a, 123.734, 123.777, 123.955a, 123.1004a, 124.13, 124.425, 125.219, 125.325, 125.585a, 125.655, 125.701, 125.1355, 125.1421, 125.1503, 125.1514, 125.1553, 125.1654, 125.1804, 132.1a, 141.14, 141.434, 141.50, 141.691, 141.932, 141.1002, 200.304, 205.726, 205.734, 209.2, 211.10c, 211.24e, 211.29, 211.34, 211.119, 211.149, 224.9, 224.14, 224.17, 225.3, 229.2, 247.809a, 247.655a, 247.655b, 256.562, 259.625, 259.806, 259.808, 279.212, 279.215, 279.236, 279.237, 280.8, 280.72, 280.80, 280.106, 280.441, 280.441a, 280.489a, 280.538a, 281.502a, 282.3a, 285.170, 285.253, 286.183, 290.53, 290.62, 290.422, 290.503, 290.511, 290.555, 290.566, 290.657, 290.669, 290.673, 290.674, 290.703, 295.106, 299.1, 299.307, 299.517, 318.63, 318.408, 318.429, 319.3, 319.20, 319.218, 319.230, 319.235, 320.1107, 323.2, 323.156, 325.2008, 325.2028, 331.6, 331.41, 331.56, 331.606, 331.704, 332.153b, 333.12713, 333.12715, 333.16138, 333.20724, 336.14, 338.882, 338.890, 338.907, 338.1706, 338.1729, 339.305, 380.247, 380.346, 380.623, 380.1201, 388.683, 388.1004, 389.111, 389.113, 390.20, 390.104, 390.154, 390.353, 390.394, 390.554, 390.645, 390.715, 390.803, 390.843, 390.913a, 390.941, 390.955a, 393.365, 399.203, 399.205, 400.2, 400.9, 400.46, 400.47, 400.61, 400.121, 400.152a, 400.588, 400.708, 400.1114, 400.1503, 408.325, 408.340, 408.385, 408.654, 408.753, 408.808, 408.821, 408.1048, 418.235, 421.3b, 423.7a, 425.1203, 445.824, 445.1609, 460.61, 500.2402, 722.605, 791.202, 791.505, 801.204, and 830.412.

15.262 Definitions.

Sec. 2. As used in this act:

(a) "Public body" means any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, which is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function, or a lessee thereof performing an essential public purpose and function pursuant to the lease agreement.

(b) "Meeting" means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy.

(c) "Closed session" means a meeting or part of a meeting of a public body which is closed to the public.

(d) "Decision" means a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy.

History: 1976, Act 267, Eff. Mar. 31, 1977.

Compiler's note: In subdivision (a), "there of" evidently should read "thereof" and "agreement" evidently should read "agreement."

15.263 Meetings, decisions, and deliberations of public body; requirements; attending or addressing meeting of public body; exclusion from meeting; exemptions.

Sec. 3. (1) All meetings of a public body shall be open to the public and shall be held in a place available to the general public. All persons shall be permitted to attend any meeting except as otherwise provided in this act.

(2) All decisions of a public body shall be made at a meeting open to the public.

(3) All deliberations of a public body constituting a quorum of its members shall take place at a meeting open to the public except as provided in this section and sections 7 and 8.

(4) A person shall not be required as a condition to attendance at a meeting of a public body to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance.

(5) A person shall be permitted to address a meeting of a public body under rules established and recorded by the public body. The legislature or a house of the legislature may provide by rule that the right to address may be limited to prescribed times at hearings and committee meetings only.

(6) A person shall not be excluded from a public meeting except for a breach of the peace actually committed at the meeting.

(7) This act does not apply to judicial proceedings but does apply to a court while exercising rule-making authority and while deliberating or deciding upon the issuance of administrative orders.

(8) This act does not apply to the following boards, commission, or panel only when deliberating the merits of a case:

(a) The worker's compensation appeal board created under Act No. 317 of the Public Acts of 1969, as amended, being sections 418.101 to 418.941 of the Michigan Compiled Laws.

(b) The employment security appeals board created under Act No. 1 of the Public Acts of the Extra Session of 1936, as amended, being sections 421.1 to 421.70 of the Michigan Compiled Laws.

(c) The state tenure commission created under Act No. 4 of the Public Acts of the Extra Session of 1937, as amended, being sections 38.71 to 38.191 of the Michigan Compiled Laws, when acting as a board of review from the decision of a controlling board.

(d) An arbitrator or arbitration panel appointed by the employment relations commission pursuant to the authority given the commission by Act No. 176 of the Public Acts of 1939, as amended, being sections 423.1 to 423.30 of the Michigan Compiled Laws.

(e) An arbitration panel selected pursuant to chapter 50A of Act No. 236 of the Public Acts of 1961, being sections 600.5040 to 600.5065 of the Michigan Compiled Laws.

(9) This act does not apply to a committee of a public body which adopts a nonpolicymaking resolution of tribute or memorial and which is not adopted at a meeting as defined in section 2.

(10) This act does not apply to a meeting which is a social or chance gathering or conference not designed to avoid this act.

(11) This act shall not apply to the Michigan veterans' trust fund board of trustees or a county or district committee when the board of trustees or county or district committee is deliberating the merits of an emergent need. A decision of the board of trustees or county or district committee made pursuant to this subsection shall be reconsidered by the board or committee at its next regular or special meeting consistent with the requirements of this act. "Emergent need" means a situation which the board of trustees, by rules promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, determines requires immediate action.

History: 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1981, Act 161, Imd. Eff. Nov. 30, 1981.

Constitutionality: Subsection (7) of this section violates Mich. Const., Art. 6, §§ 1, 4, and 5. In re Advisory Opinion 1976 PA 267, 400 Mich. 660, 255 N.W.2d 635 (1977).

Cited in other sections: Section 15.263 is cited in § 88.9.

15.264 Public notice of meetings generally; contents; places of posting.

Sec. 4. The following provisions shall apply with respect to public notice of meetings:

(a) A public notice shall always contain the name of the public body to which the notice applies, its telephone number if one exists, and its address.

(b) A public notice for a public body shall always be posted at its principal office and any other locations considered appropriate by the public body. Cable television may also be utilized for purposes of posting public notice.

(c) If a public body is a part of a state department, part of the legislative or judicial branch of state government, part of an institution of higher education, or part of a political subdivision or school district, a public notice shall also be posted in the respective principal office of the state department, the institution of higher education, clerk of the house of representatives, secretary of the state senate, clerk of the supreme court, or political subdivision or school district.

(d) If a public body does not have a principal office, the required public notice for a local public body shall be posted in the office of the county clerk in which the public body serves and the required public notice for a state public body shall be posted in the office of the secretary of state.

History: 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1984, Act 87, Imd. Eff. Apr. 19, 1984.

15.265 Public notice of regular meetings, change in schedule of regular meetings, rescheduled regular meetings, or special meetings; time for posting; statement of date, time, and place; applicability of subsection (4); recess or adjournment; emergency sessions; meeting in residential dwelling; notice.

Sec. 5. (1) A meeting of a public body shall not be held unless public notice is given as provided in this section by a person designated by the public body.

(2) For regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings.

(3) If there is a change in the schedule of regular meetings of a public body, there shall be posted within 3 days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings.

(4) Except as provided in this subsection or in subsection (6), for a rescheduled regular or a special meeting of a public body, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the

meeting. The requirement of 13-hour notice shall not apply to special meetings of subcommittees of a public body or conference committees of the state legislature. A conference committee shall give a 6-hour notice. A second conference committee shall give a 1-hour notice. Notice of a conference committee meeting shall include written notice to each member of the conference committee and the majority and minority leader of each house indicating time and place of the meeting. This subsection does not apply to a public meeting held pursuant to section 4(2) to (5) of Act No. 239 of the Public Acts of 1955, as amended, being section 200.304 of the Michigan Compiled Laws.

(5) A meeting of a public body which is recessed for more than 36 hours shall be reconvened only after public notice, which is equivalent to that required under subsection (4), has been posted. If either house of the state legislature is adjourned or recessed for less than 18 hours, the notice provisions of subsection (4) are not applicable. Nothing in this section shall bar a public body from meeting in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when $\frac{2}{3}$ of the members serving on the body decide that delay would be detrimental to efforts to lessen or respond to the threat.

(6) A meeting of a public body may only take place in a residential dwelling if a nonresidential building within the boundary of the local governmental unit or school system is not available without cost to the public body. For a meeting of a public body which is held in a residential dwelling, notice of the meeting shall be published as a display advertisement in a newspaper of general circulation in the city or township in which the meeting is to be held. The notice shall be published not less than 2 days before the day on which the meeting is held, and shall state the date, time, and place of the meeting. The notice, which shall be at the bottom of the display advertisement and which shall be set off in a conspicuous manner, shall include the following language: "This meeting is open to all members of the public under Michigan's open meetings act".

History: 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1978, Act 256, Imd. Eff. June 21, 1978;—Am. 1982, Act 134, Imd. Eff. Apr. 22, 1982;—Am. 1984, Act 167, Imd. Eff. June 29, 1984.

15.266 Providing copies of public notice on written request; fee.

Sec. 6. (1) Upon the written request of an individual, organization, firm, or corporation, and upon the requesting party's payment of a yearly fee of not more than the reasonable estimated cost for printing and postage of such notices, a public body shall send to the requesting party by first class mail a copy of any notice required to be posted pursuant to section 5(2) to (5).

(2) Upon written request, a public body, at the same time a public notice of a meeting is posted pursuant to section 5, shall provide a copy of the public notice of that meeting to any newspaper published in the state and to any radio and television station located in the state, free of charge.

History: 1976, Act 267, Eff. Mar. 31, 1977.

15.267 Closed sessions; roll call vote; separate set of minutes.

Sec. 7. (1) A $\frac{2}{3}$ roll call vote of members elected or appointed and serving shall be required to call a closed session, except for the closed sessions permitted under section 8(a), (b), (c), and (g). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

(2) A separate set of minutes shall be taken by the clerk or the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, shall not be available to the public, and shall only be disclosed if required by a civil action filed under section 10, 11, or 13. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.

History: 1976, Act 267, Eff. Mar. 31, 1977.

Cited in other sections: Section 15.267 is cited in §339.316.

15.268 Closed sessions; permissible purposes.

Sec. 8. A public body may meet in a closed session only for the following purposes:

(a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered thereafter only in open sessions.

(b) To consider the dismissal, suspension, or disciplining of a student if the public body is part of the school district, intermediate school district, or institution of higher education which the student is attending, and if the student or the student's parent or guardian requests a closed hearing.

(c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

(d) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

(e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

(f) To review the specific contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act.

(g) Partisan caucuses of members of the state legislature.

(h) To consider material exempt from discussion or disclosure by state or federal statute.

History: 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1984, Act 202, Imd. Eff. July 3, 1984.

Cited in other sections: Section 15.268 is cited in §§ 11.243, 46.1, 338.1720, 380.132, and 380.471a.

15.269 Minutes generally.

Sec. 9. (1) Each public body shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting. Corrections in the minutes shall be made not later than the next meeting after the meeting to which the minutes refer. Corrected minutes shall be available not later than the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction.

(2) Minutes shall be public records open to public inspection and shall be available at the address designated on posted public notices pursuant to section 4. Copies of the minutes shall be available to the public at the reasonable estimated cost for printing and copying.

(3) Proposed minutes shall be available for public inspection not more than 5 business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than 5 business days after the meeting at which the minutes are approved by the public body.

History: 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1982, Act 130, Imd. Eff. Apr. 20, 1982.

15.270 Decisions of public body; presumption; civil action to invalidate; jurisdiction; venue; reenactment of disputed decision.

Sec. 10. (1) Decisions of a public body shall be presumed to have been adopted in compliance with the requirements of this act. The attorney general, the prosecuting attorney of the county in which the public body serves, or any person may commence a civil action in the circuit court to challenge the validity of a decision of a public body made in violation of this act.

(2) A decision made by a public body may be invalidated if the public body has not complied with the requirements of section 3(1), (2), and (3) in making the decision or if failure to give notice in accordance with section 5 has interfered with substantial compliance with section 3(1), (2), and (3) and the court finds that the noncompliance or failure has impaired the rights of the public under this act.

(3) The circuit court shall not have jurisdiction to invalidate a decision of a public body for a violation of this act unless an action is commenced pursuant to this section within the following specified period of time:

(a) Within 60 days after the approved minutes are made available to the public by the public body except as otherwise provided in subdivision (b).

(b) If the decision involves the approval of contracts, the receipt or acceptance of bids, the making of assessments, the procedures pertaining to the issuance of bonds or other evidences of indebtedness, or the submission of a borrowing proposal to the electors, within 30 days after the approved minutes are made available to the public pursuant to that decision.

(4) Venue for an action under this section shall be any county in which a local public body serves or, if the decision of a state public body is at issue, in Ingham county.

(5) In any case where an action has been initiated to invalidate a decision of a public body on the ground that it was not taken in conformity with the requirements of this act, the public body may, without being deemed to make any admission contrary to its interest, reenact the disputed decision in conformity with this act. A decision reenacted in this manner shall be effective from the date of reenactment and shall not be declared invalid by reason of a deficiency in the procedure used for its initial enactment.

History: 1976, Act 267, Eff. Mar. 31, 1977.

15.271 Civil action to compel compliance or enjoin noncompliance; commencement; venue; security not required; commencement of action for mandamus; court costs and attorney fees.

Sec. 11. (1) If a public body is not complying with this act, the attorney general, prosecuting attorney of the county in which the public body serves, or a person may commence a civil action to compel compliance or to enjoin further noncompliance with this act.

(2) An action for injunctive relief against a local public body shall be commenced in the circuit court, and venue is proper in any county in which the public body serves. An action for an injunction against a state public body shall be commenced in the circuit court and venue is proper in any county in which the public body has its principal office, or in Ingham county. If a person commences an action for injunctive relief, that person shall not be required to post security as a condition for obtaining a preliminary injunction or a temporary restraining order.

(3) An action for mandamus against a public body under this act shall be commenced in the court of appeals.

(4) If a public body is not complying with this act, and a person commences a civil action against the public body for injunctive relief to compel compliance or to enjoin further noncompliance with the act and succeeds in obtaining relief in the action, the person shall recover court costs and actual attorney fees for the action.

History: 1976, Act 267, Eff. Mar. 31, 1977.

15.272 Violation as misdemeanor; penalty.

Sec. 12. (1) A public official who intentionally violates this act is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00.

(2) A public official who is convicted of intentionally violating a provision of this act for a second time within the same term shall be guilty of a misdemeanor and shall be fined not more than \$2,000.00, or imprisoned for not more than 1 year, or both.

History: 1976, Act 267, Eff. Mar. 31, 1977.

15.273 Violation; liability.

Sec. 13. (1) A public official who intentionally violates this act shall be personally liable in a civil action for actual and exemplary damages of not more than \$500.00 total, plus court costs and actual attorney fees to a person or group of persons bringing the action.

(2) Not more than 1 action under this section shall be brought against a public official for a single meeting. An action under this section shall be commenced within 180 days after the date of the violation which gives rise to the cause of action.

(3) An action for damages under this section may be joined with an action for injunctive or exemplary relief under section 11.

History: 1976, Act 267, Eff. Mar. 31, 1977.

15.274 Repeal of §§15.251 to 15.253.

Sec. 14. Act No. 261 of the Public Acts of 1968, being sections 15.251 to 15.253 of the Compiled Laws of 1970, is repealed.

History: 1976, Act 267, Eff. Mar. 31, 1977.

15.275 Effective date.

Sec. 15. This act shall take effect January 1, 1977.

History: 1976, Act 267, Eff. Mar. 31, 1977.

LAWS, DOCUMENTS, AND REPORTS (EXCERPTS)

Act 44 of 1899

AN ACT to provide for the publication and distribution of laws and documents, reports of the several officers, boards of officers and public institutions of this state now or hereafter to be published, and to provide for the replacing of books lost by fire or otherwise, and to provide for the publication and distribution of the Michigan manual.

History: 1899, Act 44, Imd. Eff. Apr. 18, 1899;—1958, Act 161, Eff. Sept. 13, 1958.

The People of the State of Michigan enact:

24.2 Public and local acts; distribution without charge; imprinting copies for senate and house of representatives; complete set of public and local acts for members of legislature; requisition by county clerk; publication of additional copies; deposit of copies in state library and department of management and budget; reprints of laws; publishing laws relating to revenues of state.

Sec. 2. (1) Upon written request to the legislative service bureau, the department of management and budget shall distribute, without charge, 1 volume containing the public and local acts of each session of the legislature to each of the following:

- (a) Libraries of all state officers, departments, boards, commissions, and institutions.
- (b) Senators and representatives of this state in congress.
- (c) The library of congress.
- (d) The United States supreme court and judges and clerks of circuit and district courts of the United States in this state.
- (e) Justices, clerks, and the reporter of the state supreme court.
- (f) Judges of the court of appeals, circuit, recorder's, district, and municipal courts of this state.
- (g) All public libraries, as defined in section 1 of Act No. 59 of the Public Acts of 1964, being section 597.31 of the Michigan Compiled Laws, and all county law libraries.

(2) The department of management and budget shall also distribute 1 volume containing the public and local acts of each session of the legislature to the secretary of the senate and the clerk of the house of representatives and 42 copies imprinted "senate" and 144 copies imprinted "house of representatives", to be used as desk copies, to the secretary of the senate and the clerk of the house of representatives, respectively. Members of the legislature shall also receive a complete set of the public and local acts published subsequent to the latest edition of the Michigan Compiled Laws, for their personal property during each term for which they are elected.

(3) The county clerk shall file a requisition for all copies of the public and local acts for the needs of the clerk's county, including county officers and townships, villages, and cities and their officers within the clerk's county, with the legislative service bureau by February 15, of each year. There may be published additional copies of the public and local acts as the legislative service bureau considers necessary. One hundred forty of those copies shall be deposited in the state library for use in the library and for exchanges, and the remaining copies shall be deposited with the department of management and budget for sale and future distribution.

(4) The legislative service bureau may prepare, at not less than the actual cost, reprints of laws upon particular subjects for printing and distribution. The department of treasury shall publish and distribute all pamphlets of the general tax law or of all other laws relating to the revenues of the state.

History: 1899, Act 44, Imd. Eff. Apr. 18, 1899;—Am. 1911, Act 240, Eff. Aug. 1, 1911;—Am. 1915, Act 29, Eff. Aug. 24, 1915;—CL 1915, 821;—Am. 1921, Act 32, Eff. Aug. 18, 1921;—CL 1929, 487;—Am. 1931, Act 187, Imd. Eff. May 28, 1931;—CL 1948, 24.2;—Am. 1958, Act 161, Eff. Sept. 13, 1958;—Am. 1983, Act 97, Imd. Eff. June 23, 1983.

24.4 State laws and legislative manuals to be marked as state property.

Sec. 4. All the volumes of the state laws, legislative manuals and other books, hereafter published and distributed, and required to be retained in any library, or passed over by any officer to his successor in office, shall have marked or branded on both covers thereof the words "State property."

History: 1899, Act 44, Imd. Eff. Apr. 18, 1899;—CL 1915, 823;—CL 1929, 489;—CL 1948, 24.4.

24.6 Official journals of senate and house; style of type; size of page; maximum number of copies; size of volume; distribution; approval required for additional copies; deposit of surplus supply.

Sec. 6. (1) The official journal of the senate and house of representatives shall be printed in highland type or equivalent, same size of page as that of the journals of 1929, and not to exceed 500 copies shall be printed and bound, in volumes of convenient size, to supply the following with 1 copy each:

- (a) Each principal state department.

(b) The members of the legislature of the year when the journals are issued, the secretary, assistant secretary and clerks of the senate, and the clerk and assistant clerks of the house of representatives, and the legislative service bureau.

(c) The library of congress.

(d) The clerk of the state supreme court.

(e) State supported universities or colleges.

(f) Private universities and colleges in this state, upon written request to the secretary of the senate or the clerk of the house of representatives, or both.

(2) Additional copies may be provided to any other governmental officers and agencies and libraries, when approved by the secretary of the senate or the clerk of the house of representatives, or both. The surplus supply shall be deposited with the department of management and budget, to supply future demands.

History: 1899, Act 44, Imd. Eff. Apr. 18, 1899;—CL 1915, 826;—CL 1929, 491;—Am. 1933, Act 3, Imd. Eff. Feb. 13, 1933;—Am. 1939, Act 40, Imd. Eff. Apr. 19, 1939;—CL 1948, 24.6;—Am. 1963, Act 97, Imd. Eff. June 23, 1963.

24.20 State publications; additional copies for use and exchanges by state library.

Sec. 20. There shall be printed of all publications, reports and documents as provided in this act, such additional copies for use and exchanges by the state library as the state librarian may in his discretion deem necessary for such purpose.

History: 1899, Act 44, Imd. Eff. Apr. 18, 1899;—CL 1915, 838;—CL 1929, 504;—CL 1948, 24.20;—Am. 1968, Act 161, Eff. Sept. 13, 1968.

24.30 Michigan manual; number of copies to be published; distribution; price; sale.

Sec. 30. (1) The department of management and budget shall publish 7,500 copies of the "Michigan Manual", to be distributed as provided in subsections (2) and (3).

(2) The department of management and budget shall deliver 1 copy to each of the following: senators and representatives in congress from this state; United State circuit and district court judges in this state; justices of the state supreme court; judges of the court of appeals; and the judges of the circuit, district and probate courts; each district, graded and city public school, and parochial school; each high school, public, private, and parochial, in this state; and each public library other than school libraries.

(3) The department of management and budget shall also deliver, the following number of copies: to the governor, 5; lieutenant governor, 5; secretary of state, 5; state treasurer, 5; auditor general, 5; attorney general, 5; superintendent of public instruction, 5; Michigan public service commission, 1; state tax commission, 1; department of natural resources, 1; financial institutions bureau, department of commerce, 1; department of agriculture, 1; insurance bureau, department of commerce, 1; department of labor, 1; corporation and securities bureau, department of commerce, 1; members of the senate, 1; speaker of the house, 1; members of the house, except speaker, 1; secretary of the senate, 1; clerk of the house, 1; the adjutant general, 1.

(4) The department of management and budget shall determine a price per volume and sell the volumes not distributed pursuant to subsections (2) and (3) to recover the costs of publication and distribution.

History: 1899, Act 44, Imd. Eff. Apr. 18, 1899;—CL 1915, 848;—Am. 1917, Act 325, Eff. Aug. 10, 1917;—Am. 1921, Act 105, Eff. Aug. 18, 1921;—CL 1929, 513;—CL 1948, 24.30;—Am. 1961, Act 27, Eff. Sept. 28, 1961;—Am. 1961, Act 46, Imd. Eff. May 13, 1961.

24.33 State publications; distribution by county clerks and superintendents of schools.

Sec. 33. It shall be the duty of the several county clerks and county superintendents of schools, upon receiving any of the books mentioned in this act, to receipt to the secretary of state for the same, which receipt shall be filed and preserved in the office of the secretary of state; and it shall also be the duty of the said county clerks and county superintendents of schools to distribute said books as provided in this act, and to report at the expiration of a month after each reception of books to the secretary of state, on blanks furnished by him, by giving a full statement of all of said books remaining in his office, together with the names of the officers neglecting to call for the books to which they are entitled; and it shall be the duty of all persons, upon receiving any of the books mentioned in this act, to receipt respectively to the county clerk and county superintendent of schools for the same, which receipt shall be filed and preserved in the office of the county clerk and county superintendent of schools respectively. It shall also be the duty of the secretary of state to notify each person to whom any books are sent, except township officers, either directly or in care of the county clerk, which are required by this act to be kept in any library or passed over to any successor in office, and that each person receiving such notice shall, within a reasonable time, apply to the county clerk for the books mentioned in this notice, if such books were sent to the county clerk, and obtain the same; and if such books have been received by the county clerk and are not called for as aforesaid, such person thus notified shall be held responsible in the same manner and to the like extent as in the case of his neglect or refusal to deliver over to his successor books received by him, except that books sent for the use of township officers may be sent to either the township clerk or

county clerk, when the secretary of state shall notify the township clerk, who shall draw all of the books for the officers of his township and distribute the same.

History: 1899, Act 44, Imd. Eff. Apr. 18, 1899;—CL 1915, 851;—CL 1929, 516;—CL 1948, 24.33;—Am. 1958, Act 161, Eff. Sept. 13, 1958.

24.34 State officers, delivery of books to successors; damages, penalty; exception.

Sec. 34. Every person or officer who shall receive any of the books distributed by the secretary of state, which are required by this act to be placed in his library, and each city, village, township and county officer, shall, when he ceases to hold such office, deliver over to his successor in office all such books received by him; and any person who shall neglect or refuse to deliver over to his successor in office all such books, received by him as aforesaid, shall be liable to such successor in an action for money had and received to the full amount it shall cost him to furnish himself with such books, and costs of suit; which action shall, on request, be brought and prosecuted by the prosecuting attorney of the county; and any person who shall knowingly and wilfully retain any such books in his possession, or refuse to pass them over to his successor, shall also be subject to a penalty in a sum not exceeding 50 dollars, or be imprisoned in the county jail not exceeding 3 months, or both, in the discretion of the court: Provided, however, That township and county officers receiving the abstract of reports of county superintendents of the poor, of sheriffs, or of the insane, deaf, dumb and blind, shall not be required to pass them over to their successors.

History: 1899, Act 44, Imd. Eff. Apr. 18, 1899;—CL 1915, 852;—CL 1929, 517;—CL 1948, 24.34.

24.37 Michigan compiled laws; distribution; request for additional sets; sale; price.

Sec. 37. (1) A sufficient number of sets of the Michigan compiled laws shall be delivered to the department of management and budget for distribution as follows:

- (a) One set to the library of congress.
- (b) One set to the governor.
- (c) One set to the lieutenant governor.
- (d) One set to each member of the legislature.
- (e) Forty sets to the secretary of the state senate for use as desk copies by the members of the senate.
- (f) One hundred fourteen sets to the clerk of the state house of representatives for use as desk copies by the members of the house of representatives.
- (g) One set to the secretary of the state senate.
- (h) One set to the clerk of the state house of representatives.

(2) Additional set of the Michigan compiled laws, in the quantities specified in this subsection, shall be distributed by the department of management and budget, upon written request to the legislative service bureau from 1 or more of the following entities:

- (a) One set to each justice of the state supreme court.
 - (b) One set to the clerk of the state supreme court.
 - (c) One set to the reporter of the state supreme court.
 - (d) Four sets to the court administrator's office.
 - (e) One set to each judge of every court of this state.
 - (f) One set to each prosecuting attorney.
 - (g) One set to each county law library.
 - (h) One set to the county board of commissioners of each county, which set shall be located in the county courthouse and available to the public.
 - (i) One set to each state supported university or college.
 - (j) One set to each private university or college of this state which is accredited by the north central association of colleges and secondary schools.
 - (k) Two hundred fifty sets to the state library for use in the library and for exchanges.
 - (l) A number of sets as determined by the legislative service bureau for use in the executive office of the governor, each state department, the legislative council and offices, councils, bureaus, and committees of the legislature.
- (3) The department of management and budget may sell sets of the Michigan compiled laws at a price determined by the legislative service bureau.

History: Add. 1958, Act 161, Eff. Sept. 13, 1958;—Am. 1962, Act 85, Eff. Mar. 28, 1963;—Am. 1964, Act 66, Imd. Eff. May 12, 1964;—Am. 1972, Act 369, Imd. Eff. Jan. 9, 1973;—Am. 1983, Act 97, Imd. Eff. June 23, 1983.

Compiler's note: Near the beginning of subsection (2), "set" evidently should read "sets".

Former section 37 of this act, a repeal provision, was repealed by Act 267 of 1945.

ADMINISTRATIVE PROCEDURES ACT OF 1969 (EXCERPTS)

Act 306 of 1969

AN ACT to provide for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of the Michigan register; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to provide for declaratory judgments as to rules; and to repeal certain acts and parts of acts.

History: 1969, Act 306, Eff. July 1, 1970;—Am. 1982, Act 413, Eff. Jan. 1, 1984.

The People of the State of Michigan enact:

24.259 Copies of Michigan register, Michigan administrative code, and code supplements; number; distribution; official use; retention of copies by legislators; duties of department of management and budget; subscription to Michigan register; price.

Sec. 59. (1) The legislative service bureau shall print or order printed a sufficient number of copies of the Michigan register, the Michigan administrative code, and the annual supplement to the code to meet the requirements of this section. The department of management and budget shall deliver or mail copies as follows:

(a) To the secretary of the senate, a sufficient number to supply each senator, standing committee, and the secretary.

(b) To the clerk of the house of representatives, a sufficient number to supply each representative, standing committee, and the clerk.

(c) To each member of the legislature, 1 copy at the member's home address.

(d) To the legislative service bureau, 1 copy for each attorney on the bureau's staff.

(e) To the department of the attorney general, 25 copies.

(f) To each other state department, 3 copies.

(g) To each county law library, bar association library, and law school library in this state, 1 copy.

(h) To other libraries throughout this state, 1 copy, upon request.

(i) Additional copies to an officer or agency of this state; other governmental officers, agencies, and libraries approved by the legislative service bureau; and additional copies of the Michigan register for persons who subscribe to the publication as provided in subsection (3).

(2) The copies of the Michigan register, the Michigan administrative code, and the annual code supplement are for official use only by the agencies and persons prescribed in subsection (1), and they shall deliver them to their successors, except that members of the legislature may retain copies of the Michigan register and the Michigan administrative code sent to their home address. The department of management and budget shall send to the home address of a new member of the legislature the current volume of the Michigan register and a complete copy of the Michigan administrative code. The department of management and budget shall deliver to the state library the Michigan register, the Michigan administrative code, and the annual supplement when requested by the state library sufficient for the library's use and for exchanges. The department of management and budget shall hold additional copies for sale at a price not less than the publication cost which shall be determined by the legislative service bureau.

(3) A person may subscribe to the Michigan register. The legislative service bureau shall determine a subscription price which shall not be more than the publication and distribution costs.

History: 1969, Act 306, Eff. July 1, 1970;—Am. 1982, Act 413, Eff. Jan. 1, 1984.

SUPREME COURT REPORTS (EXCERPTS)

Act 385 of 1927

AN ACT to provide for the publication, reproduction, printing, binding, distribution and sale of the reports of decisions of the supreme court of Michigan and the advance sheets of such reports of decisions.

History: 1927, Act 385, Eff. Sept. 5, 1927;—Am. 1948, 1st Ex. Sess., Act 15, Imd. Eff. Apr. 28, 1948.

The People of the State of Michigan enact:

26.8 Supreme court reporter, duties; size of volumes; original plates to be state property.

Sec. 8. The supreme court reporter shall, as soon as practicable, after the decisions of the supreme court are announced, furnish and deliver to the person or corporation having the contract with the state for publishing the same, copies of such decisions, with a syllabus and brief statement of the case, and a proper index and digest of such decisions to be published in and as part of such volumes. Each of said volumes shall contain not less than 700 pages, unless printed on thin paper as provided for in section 10 of this act, to be electrotyped, printed and bound in a good and substantial manner and form, of good material for law books, and printed in not larger type, set in the same manner, and of the same style and quality as volume 234 of the Michigan reports in the state library at Lansing, and to be approved and accepted by the justices of the supreme court, or a majority of them. The original electrotyped plates shall be at all times the property of this state, subject to the right of such contractor to use the same during the term of his contract or until the same shall be declared forfeited as herein provided.

History: 1927, Act 385, Eff. Sept. 5, 1927;—CL 1929, 530;—CL 1948, 26.8.

26.12 Delivery of copies to state librarian by contractor.

Sec. 12. Such contractor shall, within 60 days after receiving the final manuscripts of any volume from the reporter, deliver to the state librarian at Lansing, free of cost for publication or delivery, 375 copies of the Michigan reports and 25 copies of the advance sheets of Michigan reports, in good order and according to contract, to be distributed by the state librarian as authorized in writing from time to time by the justices of the supreme court.

History: 1927, Act 385, Eff. Sept. 5, 1927;—CL 1929, 534;—CL 1948, 26.12.

SALE OR EXCHANGE OF SUPREME COURT REPORTS (EXCERPTS)

Act 174 of 1871

AN ACT to provide for the appointment of a state reporter.

History: 1871, Act 174, Eff. Jan. 1, 1872.

The People of the State of Michigan enact:

26.47 State librarian; authority to exchange or sell reports; bond; printing of new editions.

Sec. 7. The state librarian may exchange any of said reports for such other reports or law books as shall be approved by the chief justice of the supreme court, which reports or other books, procured by such exchange, shall be kept in the state library. After the publication of any volume under the provisions of this act the state librarian may sell the same at a price per volume not exceeding the actual cost to the state of publication thereof, to be determined by the board of state auditors, and 20 per cent added thereto. The state librarian shall give a bond in the penal sum of 5,000 dollars to the state, conditioned for the faithful performance of the duties imposed by this act. He shall keep an account of all moneys received by him for said reports, and shall pay the same monthly to the state treasurer, who shall credit the same to the general fund. In case of sales to any 1 person at 1 time of 25 volumes or over, the 20 per cent aforesaid may be deducted from the selling price of such volumes. When the edition of any volume authorized to be sold by the state librarian, shall be exhausted a new edition of the same number of volumes shall be printed, bound, and sold, as provided in this act relative to the first edition.

History: 1871, Act 174, Eff. Jan. 1, 1872;—CL 1871, 5657;—Am. 1873, Act 137, Eff. July 31, 1873;—How. 7201;—CL 1897, 229;—CL 1915, 874;—CL 1929, 543;—CL 1948, 26.47.

Compiler's note: This section was expressly excepted from the repeal of Ch. 21 of CL 1897 by Act 314 of 1915, being §681.1.

FURNISHING CERTAIN COUNTIES WITH LAWS AND REPORTS (EXCERPTS)
Act 190 of 1909

AN ACT in relation to the distribution of the Compiled Laws of 1897, and of the reports and decisions of the supreme court.

History: 1909, Act 190, Eff. Sept. 1, 1909.

The People of the State of Michigan enact:

26.51 Compiled Laws of 1897, subsequent legislation, and all Michigan reports; distribution to county clerks by state librarian.

Sec. 1. In all counties in which circuit court is held in more than 1 place, it shall be the duty of the secretary of state to furnish to the county clerk of such county, for the use of said circuit court, 1 complete set of the Compiled Laws of 1897, together with the index thereof and acts passed by the legislature subsequent to 1897, and the state librarian shall furnish 1 complete set of the Michigan supreme court reports: Provided, That if for any reason the state librarian shall be unable to furnish any of the volumes of said reports, the board of state auditors is hereby authorized, and it is its duty, to purchase such missing volumes to complete such set: Provided further, It shall be the duty of the state librarian to furnish from time to time to said county clerk, the current volumes of Michigan supreme court reports as they are issued.

History: 1909, Act 190, Eff. Sept. 1, 1909;—CL 1915, 875;—CL 1929, 544;—CL 1948, 26.51.

MICHIGAN HANDICAPPERS' CIVIL RIGHTS ACT

Act 220 of 1976

AN ACT to define the civil rights of individuals who have handicaps; to prohibit discriminatory practices, policies, and customs in the exercise of those rights; and to provide for the promulgation of rules.

History: 1976, Act 220, Eff. Mar. 31, 1977;—Am. 1980, Act 478, Imd. Eff. Jan. 20, 1981.

The People of the State of Michigan enact:

ARTICLE 1

37.1101 Short title.

Sec. 101. This act shall be known and may be cited as the "Michigan handicappers' civil rights act".

History: 1976, Act 220, Eff. Mar. 31, 1977.

Cited in other sections: Section 37.1101 et seq. is cited in §554.633.

37.1102 Opportunity guaranteed; civil right; accommodation of handicapper; undue hardship.

Sec. 102. (1) The opportunity to obtain employment, housing, and other real estate and full and equal utilization of public accommodations, public services, and educational facilities without discrimination because of a handicap is guaranteed by this act and is a civil right.

(2) A person shall accommodate a handicapper for purposes of employment, public accommodation, public service, education, or housing unless the person demonstrates that the accommodation would impose an undue hardship.

History: 1976, Act 220, Eff. Mar. 31, 1977;—Am. 1980, Act 478, Imd. Eff. Jan. 20, 1981.

37.1103 Definitions.

Sec. 103. As used in this act:

(a) "Commission" means the civil rights commission established by section 29 of article 5 of the state constitution of 1963.

(b) "Handicap" means a determinable physical or mental characteristic of an individual or a history of the characteristic which may result from disease, injury, congenital condition of birth, or functional disorder which characteristic:

(i) For purposes of article 2, is unrelated to the individual's ability to perform the duties of a particular job or position, or is unrelated to the individual's qualifications for employment or promotion.

(ii) For purposes of article 3, is unrelated to the individual's ability to utilize and benefit from a place of public accommodation or public service.

(iii) For purposes of article 4, is unrelated to the individual's ability to utilize and benefit from educational opportunities, programs, and facilities at an educational institution.

(iv) For purposes of article 5, is unrelated to the individual's ability to acquire, rent, or maintain property.

(c) "Handicapper" means an individual who has a handicap.

(d) "Mental characteristic" is limited to mental retardation which is significantly subaverage general intellectual functioning and to a mentally ill restored condition, and for purposes of article 5 only to a determinable mental condition of an individual or a history of such condition which may result from disease, accident, condition of birth, or functional disorder which constitutes a mental limitation which is unrelated to an individual's ability to acquire, rent, or maintain property.

(e) "Person" includes an individual, agent, association, corporation, joint apprenticeship committee, joint-stock company, labor union, legal representative, mutual company, partnership, receiver, trust, trustee in bankruptcy, unincorporated organization, this state, or any other legal, commercial, or governmental entity or agency.

(f) "Political subdivision" means a county, city, village, township, school district, or special district or authority of this state.

History: 1976, Act 220, Eff. Mar. 31, 1977;—Am. 1980, Act 478, Imd. Eff. Jan. 20, 1981.

ARTICLE 2

37.1201 Definitions.

Sec. 201. As used in this article:

(a) "Employee" does not include an individual employed in domestic service of any person.

(b) "Employer" means a person who has 4 or more employees or a person who as contractor or subcontractor is furnishing material or performing work for the state or a governmental entity or agency of the state and includes an agent of such a person.

(c) "Employment agency" means a person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person.

(d) "Labor organization" includes:

(i) An organization of any kind, an agency or employee representation committee, group, association, or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment.

(ii) A conference, general committee, joint or system board, or joint council which is subordinate to a national or international labor organization.

(iii) An agent of a labor organization.

History: 1976, Act 220, Eff. Mar. 31, 1977.

37.1202 Employer; prohibited conduct; exception.

Sec. 202. (1) An employer shall not:

(a) Fail or refuse to hire, recruit, or promote an individual because of a handicap that is unrelated to the individual's ability to perform the duties of a particular job or position.

(b) Discharge or otherwise discriminate against an individual with respect to compensation or the terms, conditions, or privileges of employment, because of a handicap that is unrelated to the individual's ability to perform the duties of a particular job or position.

(c) Limit, segregate, or classify an employee or applicant for employment in a way which deprives or tends to deprive an individual of employment opportunities or otherwise adversely affects the status of an employee because of a handicap that is unrelated to the individual's ability to perform the duties of a particular job or position.

(d) Fail or refuse to hire, recruit, or promote an individual on the basis of physical or mental examinations that are not directly related to the requirements of the specific job.

(e) Discharge or take other discriminatory action against an individual on the basis of physical or mental examinations that are not directly related to the requirements of the specific job.

(f) Fail or refuse to hire, recruit, or promote an individual when adaptive devices or aids may be utilized thereby enabling that individual to perform the specific requirements of the job.

(g) Discharge or take other discriminatory action against an individual when adaptive devices or aids may be utilized thereby enabling that individual to perform the specific requirements of the job.

(2) This section shall not apply to the employment of an individual by his parent, spouse, or child.

History: 1976, Act 220, Eff. Mar. 31, 1977.

37.1203 Employment agency; prohibited conduct.

Sec. 203. An employment agency shall not fail or refuse to refer for employment, or otherwise discriminate against an individual because of a handicap or classify or refer for employment an individual on the basis of a handicap that is unrelated to the individual's ability to perform the duties of a particular job or position.

History: 1976, Act 220, Eff. Mar. 31, 1977.

37.1204 Labor organization; prohibited conduct.

Sec. 204. A labor organization shall not:

(a) Exclude or expel from membership, or otherwise discriminate against a member or applicant for membership because of a handicap that is unrelated to the individual's ability to perform the duties of a particular job or position which entitles the individual to membership.

(b) Limit, segregate, or classify membership, or applicants for membership, or classify or fail or refuse to refer for employment an individual in a way which would deprive or tend to deprive an individual of employment opportunities, or which would limit employment opportunities or otherwise adversely affect the status of an employee or of an applicant for employment, because of a handicap that is unrelated to the individual's ability to perform the duties of a particular job or position.

(c) Cause or attempt to cause an employer to violate this article.

(d) Fail to fairly and adequately represent a member in a grievance process because of the member's handicap.

History: 1976, Act 220, Eff. Mar. 31, 1977;—Am. 1980, Act 478, Imd. Eff. Jan. 20, 1981.

37.1205 Apprenticeship, on the job, or other training or retraining programs; discrimination prohibited.

Sec. 205. An employer, labor organization, or joint labor management committee controlling apprenticeship, on the job, or other training or retraining programs shall not discriminate against an individual because of a handicap in admission to, or employment or continuation in, a program established to provide apprenticeship or other training.

History: 1976, Act 220, Eff. Mar. 31, 1977.

37.1206 Prohibited notices, advertisements, inquiries, applications, and records.

Sec. 206. (1) An employer, labor organization, or employment agency shall not print or publish or cause to be printed or published a notice or advertisement relating to employment by the employer or membership in or a classification or referral for employment by the labor organization, or relating to a classification or referral for employment by the employment agency, indicating a preference, limitation, specification, or discrimination, based on a handicap that is unrelated to the individual's ability to perform the duties of a particular job or position.

(2) Except as permitted by applicable federal law, an employer or employment agency shall not:

(a) Make or use a written or oral inquiry or form of application that elicits or attempts to elicit information concerning the handicap of a prospective employee for reasons contrary to the provisions or purposes of this act.

(b) Make or keep a record of information or disclose information concerning the handicap of a prospective employee for reasons contrary to the provisions or purposes of this act.

(c) Make or use a written or oral inquiry or form of application that expresses a preference, limitation, or specification based on the handicap of a prospective employee for reasons contrary to the provisions or purposes of this act.

History: 1976, Act 220, Eff. Mar. 31, 1977.

37.1207 Repealed. 1980, Act 478, Imd. Eff. Jan. 20, 1981.

Compiler's note: The repealed section pertained to exemptions.

37.1208 Plan.

Sec. 208. A person subject to this article may adopt and carry out a plan to eliminate present effects of past discriminatory practices or assure equal opportunity with respect to individuals who have handicaps if the plan has been filed with the commission under rules of the commission and the commission has not disapproved the plan.

History: 1976, Act 220, Eff. Mar. 31, 1977.

37.1209 Contract to which state a party; covenant not to discriminate against employee or applicant for employment; breach.

Sec. 209. A contract to which this state, or a political subdivision, or an agency of this state or of a political subdivision of this state is a party shall contain a covenant by the contractor and any subcontractors not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of a handicap that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of this covenant shall be regarded as a material breach of the contract.

History: Add. 1980, Act 478, Imd. Eff. Jan. 20, 1981.

ARTICLE 3**37.1301 Definitions.**

Sec. 301. As used in this article:

(a) "Place of public accommodation" means a business, educational institution, refreshment, entertainment, recreation, health, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

(b) "Public service" means a public facility, department, agency, board, or commission, owned, operated, or managed by or on behalf of this state or a subdivision of this state, a county, city, village, township, or independent or regional district in this state, or a tax exempt private agency established to provide service to the public.

History: 1976, Act 220, Eff. Mar. 31, 1977;—Am. 1980, Act 478, Imd. Eff. Jan. 20, 1981.

37.1302 Prohibited conduct.

Sec. 302. Except where permitted by law, a person shall not:

(a) Deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation or public service because of a handicap that is unrelated to the individual's ability to utilize and benefit from the goods, services, facilities, privileges, advantages, or accommodations or because of the use by an individual of adaptive devices or aids.

(b) Print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation or public service will be refused, withheld from, or denied an individual because of a handicap that is unrelated to the individual's ability to utilize and benefit from the goods, services, facilities, privileges, advantages, or accommodations or because of the use by an individual of adaptive devices or aids, or that an individual's patronage or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable because of a handicap that is unrelated to the individual's ability to utilize and benefit from the goods, services, facilities, privileges, advantages, or accommodations or because of the use by an individual of adaptive devices or aids.

History: 1976, Act 220, Eff. Mar. 31, 1977.

37.1303 Exemptions.

Sec. 303. This article shall not apply to a private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages, or accommodations of the private club or establishment are made available to the customers or patrons of another establishment that is a place of public accommodation, or if it is licensed, chartered, or certified by the state or any of its political subdivisions.

History: 1976, Act 220, Eff. Mar. 31, 1977.

ARTICLE 4**37.1401 "Educational institution" defined.**

Sec. 401. As used in this article, "educational institution" means a public or private institution or a separate school or department of a public or private institution, includes an academy, college, elementary or secondary school, extension course, kindergarten, nursery, school system, school district, or university, and a business, nursing, professional, secretarial, technical, or vocational school, and includes an agent of an educational institution.

History: 1976, Act 220, Eff. Mar. 31, 1977;—Am. 1980, Act 478, Imd. Eff. Jan. 20, 1981.

37.1402 Educational institution; prohibited conduct.

Sec. 402. An educational institution shall not do any of the following:

(a) Discriminate in any manner in the full utilization of or benefit from the institution, or the services provided and rendered by the institution to an individual because of a handicap that is unrelated to the individual's ability to utilize and benefit from the institution or its services, or because of the use by an individual of adaptive devices or aids.

(b) Exclude, expel, limit, or otherwise discriminate against an individual seeking admission as a student or an individual enrolled as a student in the terms, conditions, and privileges of the institution, because of a handicap that is unrelated to the individual's ability to utilize and benefit from the institution, or because of the use by an individual of adaptive devices or aids.

(c) Make or use a written or oral inquiry or form of application for admission that elicits or attempts to elicit information, or make or keep a record, concerning the handicap of an applicant for admission for reasons contrary to the provisions or purposes of this act.

(d) Print or publish or cause to be printed or published a catalog or other notice or advertisement indicating a preference, limitation, specification, or discrimination based on the handicap of an applicant that is unrelated to the applicant's ability to utilize and benefit from the institution or its services, or the use of adaptive devices or aids by an applicant for admission to the educational institution.

(e) Announce or follow a policy of denial or limitation through a quota or otherwise of educational opportunities of a group or its members because of a handicap that is unrelated to the group or member's ability to utilize and benefit from the institution or its services, or because of the use by the members of a group or an individual in the group of adaptive devices or aids.

(f) Develop a curriculum or utilize textbooks and training or learning materials which promote or foster physical or mental stereotypes.

History: 1976, Act 220, Eff. Mar. 31, 1977;—Am. 1980, Act 478, Imd. Eff. Jan. 20, 1981.

37.1403 Plan.

Sec. 403. An educational institution may adopt and carry out a plan to eliminate present effects of past discriminatory practices or assure equal opportunity with respect to individuals who have handicaps if the plan is filed with the commission, under rules of the commission and the commission has not disapproved the plan.

History: 1976, Act 220, Eff. Mar. 31, 1977.

ARTICLE 5**37.1501 Definitions.**

Sec. 501. As used in this article:

(a) "Housing accommodation" includes improved or unimproved real property, or a part thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home or residence of 1 or more persons.

(b) "Immediate family" means a spouse, parent, child, or sibling.

(c) "Real estate broker or salesman" means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself out as engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of any of these persons.

(d) "Real estate transaction" means the sale, exchange, rental, or lease of real property, or an interest therein.

(e) "Real property" includes a building, structure, mobile home, real estate, land, mobile home park, trailer park, tenement, leasehold, or an interest in a real estate cooperative or condominium.

History: 1976, Act 220, Eff. Mar. 31, 1977.

37.1502 Owners, persons engaging in real estate transactions, real estate brokers, and real estate salesmen; prohibited conduct.

Sec. 502. An owner or any other person engaging in a real estate transaction, or a real estate broker or salesman shall not, on the basis of a handicap that is unrelated to the individual's ability to acquire, rent, or maintain property or use by an individual of adaptive devices or aids:

(a) Refuse to engage in a real estate transaction with a person.

(b) Discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith.

(c) Refuse to receive or fail to transmit a bona fide offer to engage in a real estate transaction from a person.

(d) Refuse to negotiate for a real estate transaction with a person.

(e) Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is available, or fail to bring a property listing to a person's attention, or refuse to permit a person to inspect real property.

(f) Print, circulate, post, or mail or cause to be so published a statement, advertisement, or sign, or use a form of application for a real estate transaction, or make a record of inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto.

(g) Offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.

History: 1976, Act 220, Eff. Mar. 31, 1977.

37.1503 Certain rentals excepted from §37.1502.

Sec. 503. Section 502 shall not apply to the rental of a housing accommodation in a building which contains housing accommodations for not more than 2 families living independently of each other, if the owner or a member of the owner's immediate family resides in 1 of the housing accommodations, or to the rental of a room or rooms in a single housing dwelling by a person if the lessor or a member of the lessor's immediate family resides therein.

History: 1976, Act 220, Eff. Mar. 31, 1977.

37.1504 Application for financial assistance or financing; prohibited conduct.

Sec. 504. A person to whom application is made for financial assistance or financing in connection with a real estate transaction or for the construction, rehabilitation, repair, maintenance, or improvement of real property, or a

representative of such a person shall not discriminate against the applicant because of a handicap that is unrelated to the individual's ability to acquire, rent, or maintain property or use a form of application for financial assistance or financing or make or keep a record or inquiry for reasons contrary to the provisions or purposes of this act in connection with applications for financial assistance or financing which indicates, directly or indirectly, a limitation, specification, or discrimination based on a handicap that is unrelated to the individual's ability to acquire, rent, or maintain property.

History: 1976, Act 220, Eff. Mar. 31, 1977.

37.1505 Information as to applicant's credit worthiness.

Sec. 505. Nothing in this article shall be deemed to prohibit an owner, lender, or his agent from requiring that an applicant who seeks to buy, rent, lease, or obtain financial assistance for housing accommodations supply information concerning the applicant's financial, business, or employment status or other information designed solely to determine the applicant's credit worthiness, but not concerning handicaps for reasons contrary to the provisions or purposes of this act.

History: 1976, Act 220, Eff. Mar. 31, 1977.

37.1506 Prohibited representations.

Sec. 506. A person shall not represent, for the purpose of inducing a real estate transaction from which he may benefit financially or otherwise, that a change has occurred or will or may occur in the composition with respect to handicappers of the owners or occupants in the block, neighborhood, or area in which the real property is located, or represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.

History: 1976, Act 220, Eff. Mar. 31, 1977.

37.1507 Plan.

Sec. 507. A person subject to this article may adopt and carry out a plan to eliminate present effects of past discriminatory practices or assure equal opportunity with respect to individuals who have handicaps, if the plan is filed with the commission under rules of the commission and the commission has not disapproved the plan.

History: 1976, Act 220, Eff. Mar. 31, 1977.

ARTICLE 6

37.1601 Administration of act; rules.

Sec. 601. This act shall be administered by the civil rights commission. The commission may promulgate rules to carry out this act pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

History: 1976, Act 220, Eff. Mar. 31, 1977;—Am. 1980, Act 478, Imd. Eff. Jan. 20, 1981.

37.1602 Prohibited conduct.

Sec. 602. A person or 2 or more persons shall not:

(a) Retaliate or discriminate against a person because the person has opposed a violation of this act, or because the person has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this act.

(b) Aid, abet, incite, compel, or coerce a person to engage in a violation of this act.

(c) Attempt directly or indirectly to commit an act prohibited by this act.

(d) Wilfully interfere with the performance of a duty or the exercise of a power by the commission or any of its authorized representatives.

(e) Wilfully obstruct or prevent a person from complying with this act or an order issued.

History: 1976, Act 220, Eff. Mar. 31, 1977.

37.1603 Adjustment order; violation of terms prohibited.

Sec. 603. A person shall not violate the terms of an adjustment order made under this act.

History: 1976, Act 220, Eff. Mar. 31, 1977.

37.1604 Other acts not invalidated.

Sec. 604. Nothing in this act shall be interpreted as invalidating any other act that establishes or provides programs or services for individuals with handicaps.

History: 1976, Act 220, Eff. Mar. 31, 1977.

37.1605 Complaints.

Sec. 605. A complaint alleging an act prohibited by this act shall be subject to the same procedures as a complaint alleging an unfair employment practice under Act No. 453 of the Public Acts of 1976, as amended, being sections 37.2101 to 37.2804 of the Michigan Compiled Laws.

History: 1976, Act 220, Eff. Mar. 31, 1977;—Am. 1980, Act 478, Imd. Eff. Jan. 20, 1981.

37.1606 Civil action; commencement; "damages" defined.

Sec. 606. (1) A person alleging a violation of this act may bring a civil action for appropriate injunctive relief or damages, or both.

(2) An action commenced pursuant to subsection (1) may be brought in the circuit court for the county where the alleged violation occurred, or for the county where the person against whom the civil complaint is filed resides or has his or her principal place of business.

(3) As used in subsection (1), "damages" means damages for injury or loss caused by each violation of this act, including reasonable attorneys' fees.

History: Add. 1980, Act 478, Imd. Eff. Jan. 20, 1981.

37.1607 Diminishment of rights prohibited.

Sec. 607. This act shall not diminish the right of a person to seek direct and immediate legal or equitable remedies in the courts of this state.

History: Add. 1980, Act 478, Imd. Eff. Jan. 20, 1981.

ELLIOTT-LARSEN CIVIL RIGHTS ACT
Act 453 of 1976

AN ACT to define civil rights; to prohibit discriminatory practices, policies, and customs in the exercise of those rights based upon religion, race, color, national origin, age, sex, height, weight, or marital status; to preserve the confidentiality of records regarding arrest, detention, or other disposition in which a conviction does not result; to prescribe the powers and duties of the civil rights commission and the department of civil rights; to provide remedies and penalties; and to repeal certain acts and parts of acts.

History: 1976, Act 453, Eff. Mar. 31, 1977;—Am. 1977, Act 162, Imd. Eff. Nov. 8, 1977;—Am. 1979, Act 91, Imd. Eff. Aug. 1, 1979;—Am. 1982, Act 45, Eff. Mar. 30, 1983.

The People of the State of Michigan enact:

ARTICLE 1

37.2101 Short title.

Sec. 101. This act shall be known and may be cited as the "Elliott-Larsen civil rights act".

History: 1976, Act 453, Eff. Mar. 31, 1977;—Am. 1977, Act 162, Imd. Eff. Nov. 8, 1977.

Cited in other sections: Section 37.2101 et seq. is cited in §§37.1606 and 554.633.

37.2102 Recognition and declaration of civil right; action arising out of sex discrimination.

Sec. 102. (1) The opportunity to obtain employment, housing and other real estate, and the full and equal utilization of public accommodations, public service, and educational facilities without discrimination because of religion, race, color, national origin, age, sex, height, weight, or marital status as prohibited by this act, is recognized and declared to be a civil right.

(2) This section shall not be construed to prevent an individual from bringing or continuing an action arising out of sex discrimination before July 18, 1980 which action is based on conduct similar to or identical to harassment.

History: 1976, Act 453, Eff. Mar. 31, 1977;—Am. 1975, Act 91, Imd. Eff. Aug. 1, 1979;—Am. 1980, Act 202, Imd. Eff. July 18, 1980;—Am. 1982, Act 45, Eff. Mar. 30, 1983.

37.2103 Definitions.

Sec. 103. As used in this act:

- (a) "Age" means chronological age except as otherwise provided by law.
- (b) "Commission" means the civil rights commission established by section 29 of article 5 of the state constitution of 1963.
- (c) "Commissioner" means a member of the commission.
- (d) "Department" means the department of civil rights or its employees.
- (e) "National origin" includes the national origin of an ancestor.
- (f) "Person" means an individual, agent, association, corporation, joint apprenticeship committee, joint stock company, labor organization, legal representative, mutual company, partnership, receiver, trust, trustee in bankruptcy, unincorporated organization, the state or a political subdivision of the state or an agency of the state, or any other legal or commercial entity.
- (g) "Political subdivision" means a county, city, village, township, school district, or special district or authority of the state.
- (h) Discrimination because of sex includes sexual harassment which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:
 - (i) Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or public services, education, or housing.
 - (ii) Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or public services, education, or housing.
 - (iii) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment.

History: 1976, Act 453, Eff. Mar. 31, 1977;—Am. 1980, Act 202, Imd. Eff. July 18, 1980.

ARTICLE 2

37.2201 Definitions.

Sec. 201. As used in this article:

(a) "Employer" means a person who has 1 or more employees, and includes an agent of that person.

(b) "Employment agency" means a person regularly undertaking with or without compensation to procure, refer, recruit, or place an employee for an employer or to procure, refer, recruit, or place for an employer or person the opportunity to work for an employer and includes an agent of that person.

(c) "Labor organization" includes:

(i) An organization of any kind, an agency or employee representation committee, group, association, or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment.

(ii) A conference, general committee, joint or system board, or joint council which is subordinate to a national or international labor organization.

(iii) An agent of a labor organization.

(d) "Sex" includes, but is not limited to, pregnancy, childbirth, or a medical condition related to pregnancy or childbirth that does not include nontherapeutic abortion not intended to save the life of the mother.

History: 1976, Act 453, Eff. Mar. 31, 1977;—Am. 1978, Act 153, Imd. Eff. May 22, 1978;—Am. 1980, Act 202, Imd. Eff. July 18, 1980.

37.2202 Employer; prohibited practices generally; exceptions.

Sec. 202. (1) An employer shall not:

(a) Fail or refuse to hire, or recruit, or discharge, or otherwise discriminate against an individual with respect to employment, compensation, or a term, condition, or privilege of employment, because of religion, race, color, national origin, age, sex, height, weight, or marital status.

(b) Limit, segregate, or classify an employee or applicant for employment in a way which deprives or tends to deprive the employee or applicant of an employment opportunity, or otherwise adversely affects the status of an employee or applicant because of religion, race, color, national origin, age, sex, height, weight, or marital status.

(c) Segregate, classify, or otherwise discriminate against a person on the basis of sex with respect to a term, condition, or privilege of employment, including a benefit plan or system.

(2) This section shall not be construed to prohibit the establishment or implementation of a bona fide retirement policy or system which is not a subterfuge to evade the purposes of this section.

(3) This section shall not apply to the employment of an individual by his or her parent, spouse, or child.

History: 1976, Act 453, Eff. Mar. 31, 1977;—Am. 1978, Act 153, Imd. Eff. May 22, 1978.

37.2203 Employment agency; prohibited practices generally.

Sec. 203. An employment agency shall not fail or refuse to procure, refer, recruit, or place for employment, or otherwise discriminate against, an individual because of religion, race, color, national origin, age, sex, height, weight, or marital status; or classify or refer for employment an individual on the basis of religion, race, color, national origin, age, sex, height, weight, or marital status.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2204 Labor organization; prohibited practices generally.

Sec. 204. A labor organization shall not:

(a) Exclude or expel from membership, or otherwise discriminate against, a member or applicant for membership because of religion, race, color, national origin, age, sex, height, weight, or marital status.

(b) Limit, segregate, or classify membership or applicants for membership, or classify or fail or refuse to refer for employment an individual in a way which would deprive or tend to deprive that individual of an employment opportunity, or which would limit an employment opportunity, or which would adversely affect wages, hours, or employment conditions, or otherwise adversely affect the status of an employee or an applicant for employment, because of religion, race, color, national origin, age, sex, height, weight, or marital status.

(c) Cause or attempt to cause an employer to violate this article.

(d) Fail to fairly and adequately represent a member in a grievance process because of religion, race, color, national origin, age, sex, height, weight, or marital status.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2205 Employer, labor organization, or joint labor-management committee; training programs; prohibited practices.

Sec. 205. An employer, labor organization, or joint labor-management committee controlling an apprenticeship, on the job, or other training or retraining program, shall not discriminate against an individual because of religion, race, color, national origin, age, sex, height, weight, or marital status, in admission to, or employment or continuation in, a program established to provide apprenticeship on the job, or other training or retraining.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2205a Employer, employment agency, or labor organization; record of information regarding arrest, detention, or disposition of violation of law where no conviction; failure to recite or acknowledge information.

Sec. 205a. (1) An employer, employment agency, or labor organization, other than a law enforcement agency of the state or a political subdivision of the state, shall not in connection with an application for employment, personnel, or membership, or in connection with the terms, conditions, or privileges of employment, personnel, or membership request, make, or maintain a record of information regarding an arrest, detention, or disposition of a violation of law in which a conviction did not result. A person shall not be held guilty of perjury or otherwise giving a false statement by failing to recite or acknowledge information the person has a civil right to withhold by this section. This section shall not apply to information relative to a felony charge before conviction or dismissal.

History: 1976, Act 453, Eff. Mar. 31, 1977;—Am. 1978, Act 610, Eff. Mar. 30, 1979;—Am. 1982, Act 45, Eff. Mar. 30, 1983.

37.2205b Repealed. 1982, Act 45, Eff. Mar. 30, 1983.

Compiler's note: The repealed section pertained to announcing availability of polygraph examination.

37.2206 Employer, labor organization, or employment agency; prohibited practices.

Sec. 206. (1) An employer, labor organization, or employment agency shall not print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign relating to employment by the employer, or relating to membership in or a classification or referral for employment by the labor organization, or relating to a classification or referral for employment by the employment agency, which indicates a preference, limitation, specification, or discrimination, based on religion, race, color, national origin, age, sex, height, weight, or marital status.

(2) Except as permitted by rules promulgated by the commission or by applicable federal law, an employer or employment agency shall not:

(a) Make or use a written or oral inquiry or form of application that elicits or attempts to elicit information concerning the religion, race, color, national origin, age, sex, height, weight, or marital status of a prospective employee.

(b) Make or keep a record of information described in subdivision (a) or to disclose that information.

(c) Make or use a written or oral inquiry or form of application that expresses a preference, limitation, specification, or discrimination based on religion, race, color, national origin, age, sex, height, weight, or marital status of a prospective employee.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2207 Individual seeking employment; prohibited practices.

Sec. 207. An individual seeking employment shall not publish or cause to be published a notice or advertisement that specifies or indicates the individual's religion, race, color, national origin, age, sex, height, weight, or marital status, or expresses a preference, specification, limitation, or discrimination as to the religion, race, color, national origin, age, height, weight, sex, or marital status of a prospective employer.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2208 Application for exemption; bona fide occupational qualification.

Sec. 208. A person subject to this article may apply to the commission for an exemption on the basis that religion, national origin, age, height, weight, or sex is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise. Upon sufficient showing, the commission may grant an exemption to the appropriate section of this article. An employer may have a bona fide occupational qualification on the basis of religion, national origin, sex, age, or marital status, height and weight without obtaining prior exemption from the commission, provided that an employer who does not obtain an exemption shall have the burden of establishing that the qualification is reasonably necessary to the normal operation of the business.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2209 Covenants.

Sec. 209. A contract to which the state, a political subdivision, or an agency thereof is a party shall contain a covenant by the contractor and his subcontractors not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status. Breach of this covenant may be regarded as a material breach of the contract.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2210 Plan.

Sec. 210. A person subject to this article may adopt and carry out a plan to eliminate present effects of past discriminatory practices or assure equal opportunity with respect to religion, race, color, national origin, or sex if the plan is filed with the commission under rules of the commission and the commission approves the plan.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2211 Different standards of compensation; different terms, conditions, or privileges of employment.

Sec. 211. Notwithstanding any other provision of this article, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system.

History: 1976, Act 453, Eff. Mar. 31, 1977.

ARTICLE 3**37.2301 Definitions.**

Sec. 301. As used in this article:

(a) "Place of public accommodation" means a business, or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

(b) "Public service" means a public facility, department, agency, board, or commission, owned, operated, or managed by or on behalf of the state, a political subdivision, or an agency thereof, or a tax exempt private agency established to provide service to the public.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2302 Public accommodations or services; prohibited practices.

Sec. 302. Except where permitted by law, a person shall not:

(a) Deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service because of religion, race, color, national origin, age, sex, or marital status.

(b) Print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service will be refused, withheld from, or denied an individual because of religion, race, color, national origin, age, sex, or marital status, or that an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable because of religion, race, color, national origin, age, sex, or marital status.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2303 Exemptions.

Sec. 303. This article shall not apply to a private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages, or accommodations of the private club or establishment are made available to the customers or patrons of another establishment that is a place of public accommodation or is licensed by the state under Act No. 8 of the Public Acts of 1933, being sections 436.1 through 436.58 of the Michigan Compiled Laws.

History: 1976, Act 453, Eff. Mar. 31, 1977.

ARTICLE 4

37.2401 Definition.

Sec. 401. As used in this article, "educational institution" means a public or private institution, or a separate school or department thereof, and includes an academy, college, elementary or secondary school, extension course, kindergarten, nursery, local school system, university, or a business, nursing, professional, secretarial, technical, or vocational school; and includes an agent of an educational institution.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2402 Educational institution; prohibited practices; compiling register of organizations; definitions.

Sec. 402. (1) An educational institution shall not:

(a) Discriminate against an individual in the full utilization of or benefit from the institution, or the services, activities, or programs provided by the institution because of religion, race, color, national origin, or sex.

(b) Exclude, expel, limit, or otherwise discriminate against an individual seeking admission as a student or an individual enrolled as a student in the terms, conditions, or privileges of the institution, because of religion, race, color, national origin, or sex.

(c) For purposes of admission only, make or use a written or oral inquiry or form of application that elicits or attempts to elicit information concerning the religion, race, color, national origin, age, sex, or marital status of a person, except as permitted by rule of the commission or as required by federal law, rule, or regulation, or pursuant to an affirmative action program.

(d) Print or publish or cause to be printed or published a catalog, notice, or advertisement indicating a preference, limitation, specification, or discrimination based on the religion, race, color, national origin, or sex of an applicant for admission to the educational institution.

(e) Announce or follow a policy of denial or limitation through a quota or otherwise of educational opportunities of a group or its members because of religion, race, color, national origin, or sex.

(f) Encourage or condone legally required discrimination against an individual on the basis of race or color by knowingly making or maintaining after April 1, 1984, an investment in an organization operating in the republic of South Africa. This subdivision shall not apply to a private educational institution.

(g) Encourage or condone religious discrimination or ethnic discrimination by knowingly making or maintaining after February 1, 1983, an investment in an organization operating in the Union of Soviet Socialist Republics.

(2) The department shall compile, from information obtained from the United States department of commerce, a current register of organizations operating in the republic of South Africa and the Union of Soviet Socialist Republics. The department shall make the register available, upon request, to a person, board, or commission for a reasonable charge.

(3) As used in this section:

(a) "Investment" means money placed in shares of stock and other equity interests. Investment does not include an evidence of indebtedness arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof, that a bank is obligated to repurchase or a bank deposit made in the ordinary course of business.

(b) "Organization" means a United States firm, or a subsidiary or affiliate of a United States firm, as determined by the United States department of commerce.

History: 1976, Act 453, Eff. Mar. 31, 1977;—Am. 1982, Act 512, Eff. Mar. 30, 1983.

37.2403 Religious educational institution; exemption.

Sec. 403. The provisions of section 402 related to religion shall not apply to a religious educational institution or an educational institution operated, supervised, or controlled by a religious institution or organization which limits admission or gives preference to an applicant of the same religion.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2404 Private educational institution; exemption.

Sec. 404. The provisions of section 402 relating to sex shall not apply to a private educational institution not exempt under section 403, which now or hereafter provides an education to persons of 1 sex.

History: 1976, Act 453, Eff. Mar. 31, 1977.

ARTICLE 5

37.2501 Definitions.

Sec. 501. As used in this article:

(a) "Real property" includes a building, structure, mobile home, real estate, land, mobile home park, trailer park, tenement, leasehold, or an interest in a real estate cooperative or condominium.

(b) "Real estate transaction" means the sale, exchange, rental, or lease of real property, or an interest therein.

(c) "Housing accommodation" includes improved or unimproved real property, or a part thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home or residence of 1 or more persons.

(d) "Real estate broker or salesman" means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property; who negotiates or attempts to negotiate any of those activities; who holds himself out as engaged in those activities; who negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon real property; who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of a real estate broker or salesman.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2502 Real estate transactions; real estate brokers, or real estate salesmen; prohibited practices; section subject to §37.2503.

Sec. 502. (1) A person engaging in a real estate transaction, or a real estate broker or salesman, shall not on the basis of religion, race, color, national origin, age, sex, or marital status of a person or a person residing with that person:

(a) Refuse to engage in a real estate transaction with a person.

(b) Discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith.

(c) Refuse to receive from a person or transmit to a person a bona fide offer to engage in a real estate transaction.

(d) Refuse to negotiate for a real estate transaction with a person.

(e) Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or knowingly fail to bring a property listing to a person's attention, or refuse to permit a person to inspect real property.

(f) Print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign, or use a form of application for a real estate transaction, or make a record of inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a preference, limitation, specification, or discrimination with respect thereto.

(g) Offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.

(2) This section is subject to section 503.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2503 Exemptions from §37.2502; "immediate family" defined; information relative to marital status.

Sec. 503. (1) Section 502 shall not apply: (a) to the rental of a housing accommodation in a building which contains housing accommodations for not more than 2 families living independently of each other if the owner or a member of the owner's immediate family resides in 1 of the housing accommodations, or to the rental of a room or rooms in a single family dwelling by a person if the lessor or a member of the lessor's immediate family resides therein.

(b) To the rental of a housing accommodation for not more than 12 months by the owner or lessor where it was occupied by him and maintained as his home for at least 3 months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence.

(c) With respect to the age provision only, to the sale, rental, or lease of housing accommodations meeting the requirements of federal, state, or local housing programs for senior citizens, or accommodations otherwise intended, advertised, designed or operated, bona fide, for the purpose of providing housing accommodations for persons 50 years of age or older.

(2) As used in subsection (1), "immediate family" means a spouse, parent, child, or sibling.

(3) Information relative to the marital status of an individual may be obtained when necessary for the preparation of a deed or other instrument of conveyance.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2504 Application for financial assistance or financing; prohibited practices; exemptions.

Sec. 504. (1) A person to whom application is made for financial assistance or financing in connection with a real estate transaction or in connection with the construction, rehabilitation, repair, maintenance, or improvement of real property, or a representative of that person, shall not:

(a) Discriminate against the applicant because of the religion, race, color, national origin, age, sex, or marital status of the applicant or a person residing with the applicant.

(b) Use a form of application for financial assistance or financing or make or keep a record or inquiry in connection with an application for financial assistance or financing which indicates, directly or indirectly, a preference, limitation, specification, or discrimination as to the religion, race, color, national origin, age, sex, or marital status of the applicant or a person residing with the applicant.

(2) Subsection (1)(b) shall not apply to a form of application for financial assistance prescribed for the use of a lender regulated as a mortgagee under the national housing act, as amended, being 12 U.S.C. sections 1701 to 1750g (Supp. 1973) or by a regulatory board or officer acting under the statutory authority of this state or the United States.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2505 Condition, restriction, or prohibition limiting use or occupancy of real property; exceptions; inserting or honoring void provision.

Sec. 505. (1) A condition, restriction, or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of religion, race, color, national origin, age, sex, or marital status is void, except a limitation of use as provided in section 503(1)(c) or on the basis of religion relating to real property held by a religious institution or organization, or by a religious or charitable organization operated, supervised, or controlled by a religious institution or organization, and used for religious or charitable purposes.

(2) A person shall not insert in a written instrument relating to real property a provision that is void under this section or honor such a provision in the chain of title.

History: 1976, Act 453, Eff. Mar. 31, 1977;—Am. 1980, Act 170, Imd. Eff. June 18, 1980.

37.2506 Real estate transactions; prohibited representations.

Sec. 506. A person shall not represent, for the purpose of inducing a real estate transaction from which the person may benefit financially, that a change has occurred or will or may occur in the composition with respect to religion, race, color, national origin, age, sex, or marital status of the owners or occupants in the block, neighborhood, or area in which the real property is located, or represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2507 Plan.

Sec. 507. A person subject to this article may adopt and carry out a plan to eliminate present effects of past discriminatory practices or assure equal opportunity with respect to religion, race, color, national origin, or sex if the plan is filed with the commission under rules of the commission and the commission approves the plan.

History: 1976, Act 453, Eff. Mar. 31, 1977.

ARTICLE 6**37.2601 Commission; powers and duties generally; quorum; vacancy; compensation and expenses; conducting business at public meeting; notice; availability of certain writings to public.**

Sec. 601. (1) The commission shall:

(a) Maintain a principal office in the city of Lansing and other offices within the state as it considers necessary.

(b) Meet and exercise its powers at any place within the state.

(c) Appoint an executive director who shall be the chief executive officer of the department and exempt from civil service, and appoint necessary hearing examiners.

(d) Accept public grants, private gifts, bequests, or other amounts or payments.

(e) Prepare annually a comprehensive written report to the governor. The report may contain recommendations adopted by the commission for legislative or other action necessary to effectuate the purposes and policies of this act.

(f) Promulgate, amend, or repeal rules to carry out this act pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

(g) Request the services of a department or agency of the state or a political subdivision of the state.

(h) Promote and cooperate with a public or governmental agency as in the commission's judgment will aid in effectuating the act and the state constitution of 1963.

(i) Establish and promulgate rules governing its relationship with local commissions, and establish criteria for certifying local commissions for the deferring of complaints.

(2) The commission may hold hearings, administer oaths, issue preliminary notices to witnesses to appear, compel through court authorization the attendance of witnesses and the production for examination of books, papers, or other records relating to matters before the commission, take the testimony of a person under oath, and issue appropriate orders. The commission may promulgate rules as to the issuance of preliminary notices to appear.

(3) A majority of the members of the commission constitutes a quorum. A majority of the members is required to take action on matters not of a ministerial nature, but a majority of a quorum may deal with ministerial matters. A vacancy in the commission shall not impair the right of the remaining members to exercise the powers of the commission. The members of the commission shall receive a per diem compensation and shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties. The per diem compensation of the commission and the schedule for reimbursement of the expenses shall be established annually by the legislature.

(4) The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(5) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: 1976, Act 453, Eff. Mar. 31, 1977;—Am. 1978, Act 446, Imd. Eff. Oct. 11, 1978.

Administrative rules: R 37.1 et seq.; R 37.101; and R 423.301 et seq. of the Michigan Administrative Code.

37.2602 Department; powers and duties generally.

Sec. 602. The department shall:

(a) Be responsible to the executive director, who shall be the principal executive officer of the department and shall be responsible for executing the policies of the commission.

(b) Appoint necessary employees and agents and fix their compensation in accordance with civil service rules. The attorney general shall appear for and represent the department or the commission in a court having jurisdiction of a matter under this act.

(c) Receive, initiate, investigate, conciliate, adjust, dispose of, issue charges, and hold hearings on complaints alleging a violation of this act, and approve or disapprove plans to correct past discriminatory practices which have caused or resulted in a denial of equal opportunity with respect to groups or persons protected by this act.

(d) Require answers to interrogatories, order the submission of books, papers, records, and other materials pertinent to a complaint, and require the attendance of witnesses, administer oaths, take testimony, and compel, through court authorization, compliance with its orders or an order of the commission.

(e) Cooperate or contract with persons and state, local, and other agencies, both public and private, including agencies of the federal government and of other states.

(f) Monitor contracts to insure compliance by a contractor or a subcontractor with a covenant entered into pursuant to section 210.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2603 Complaint; petition for temporary relief or restraining order; notice of pendency of action.

Sec. 603. At any time after a complaint is filed, the department may file a petition in the circuit court for the county in which the subject of the complaint occurs, or for the county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this section, including an order or decree restraining the respondent from doing or procuring an act tending to render ineffectual an order the commission may enter with respect to the complaint. If the complaint alleges a violation of article 5, upon the filing of the petition the department shall file for the record a notice of pendency of the action. The court may grant temporary relief or a restraining order as it deems just and proper, but the relief or order shall not extend beyond 5 days except by consent of the respondent, or after hearing upon notice to the respondent and a finding by the court that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2604 Findings of fact and conclusions of law; final order dismissing complaint; copies of order.

Sec. 604. If the commission, after a hearing on a charge issued by the department, determines that the respondent has not engaged in a discriminatory practice prohibited by this act, the commission shall state its findings of fact and conclusions of law and shall issue a final order dismissing the complaint. The commission shall furnish a copy of the order to the claimant, the respondent, the attorney general, and other public officers and persons as the commission deems proper.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2605 Findings of fact and conclusions of law; cease and desist order; amendment of pleadings; findings and order based thereon; copies of order; scope of action ordered; certification of violation to licensing or contracting agency.

Sec. 605. (1) If the commission, after a hearing on a charge issued by the department, determines that the respondent has violated this act, the commission shall state its findings of fact and conclusions of law and shall issue a final order requiring the respondent to cease and desist from the discriminatory practice and to take such other action as it deems necessary to secure equal enjoyment and protection of civil rights. If at a hearing on a charge, a pattern or practice of discrimination prohibited by this act appears in the evidence, the commission may, upon its own motion or on motion of the claimant, amend the pleadings to conform to the proofs, make findings, and issue an order based on those findings. A copy of the order shall be delivered to the respondent, the claimant, the attorney general, and to other public officers and persons as the commission deems proper.

(2) Action ordered under this section may include, but is not limited to:

- (a) Hiring, reinstatement, or upgrading of employees with or without back pay.
- (b) Admission or restoration of individuals to labor organization membership, admission to or participation in a guidance program, apprenticeship training program, on the job training program, or other occupational training or retraining program, with the utilization of objective criteria in the admission of persons to those programs.
- (c) Admission of persons to a public accommodation or an educational institution.
- (d) Sale, exchange, lease, rental, assignment, or sublease of real property to a person.
- (e) Extension to all persons of the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of the respondent.
- (f) Reporting as to the manner of compliance.
- (g) Requiring the posting of notices in a conspicuous place which the commission may publish or cause to be published setting forth requirements for compliance with civil rights law or other relevant information which the commission determines necessary to explain those laws.
- (h) Payment to an injured party of profits obtained by the respondent through a violation of section 506.
- (i) Payment to the complainant of damages for an injury or loss caused by a violation of this act, including a reasonable attorney's fee.
- (j) Payment to the complainant of all or a portion of the costs of maintaining the action before the commission, including reasonable attorney fees and expert witness fees, when the commission determines that award to be appropriate.
- (k) Other relief the commission deems appropriate.

(3) In the case of a respondent operating by virtue of a license issued by the state, a political subdivision, or an agency thereof, if the commission, upon notice and hearing, determines that the respondent has violated this act and that the violation was authorized, requested, commanded, performed, or knowingly permitted by the board of directors of the respondent or by an officer or executive agent acting within the scope of his employment, the commission shall so certify to the licensing agency. Unless the commission's finding is reversed in the course of judicial review, the finding of the commission may be grounds for revocation of the respondent's license.

(4) In the case of a respondent who violates this act in the course of performing under a contract or subcontract with the state, a political subdivision, or an agency thereof, where the violation was authorized, requested, commanded, performed, or knowingly permitted by the board of directors of the respondent or by an officer or executive agent acting within the scope of his employment, the commission shall so certify to the contracting agency. Unless the commission's finding is reversed in the course of judicial review, the finding is binding on the contracting agency.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2606 Appeals.

Sec. 606. (1) A complainant and a respondent shall have a right of appeal from a final order of the commission, including cease and desist orders and refusals to issue charges, before the circuit court for the county of Ingham, or the

circuit court for the county in which the alleged violation occurred or where the person against whom the complaint is filed, resides, or has his or her principal place of business. An appeal before the circuit court shall be reviewed de novo. If an appeal is not taken within 30 days after the service of an appealable order of the commission, the commission may obtain a decree for the enforcement of the order from the circuit court which has jurisdiction of the appeal. If the appellant files for appeal in the circuit court for the county of Ingham, the appellee, upon application, shall be granted a change of venue to hear the matter on appeal in the circuit court for the county in which the alleged violation occurred or where the person against whom the complaint is filed, resides, or has his or her principal place of business or where the claimant resides.

(2) A proceeding for review or enforcement of an appealable order is initiated by filing a petition in the circuit court. Copies of the petition shall be served upon the parties of record. Within 30 days after the service of the petition upon the commission or filing of the petition by the commission, or within further time as the court may allow, the commission shall transmit to the court the original or a certified copy of the entire record upon which the order is based, including a transcript of the testimony, which need not be printed. By stipulation of the parties to the review proceeding, the record may be shortened. The court may grant temporary relief as it considers just, or enter an order enforcing, modifying and enforcing as modified, or setting aside in whole or in part the order of the commission, or may remand the case to the commission for further proceedings. The commission's copy of the testimony shall be available at reasonable times to all parties for examination without cost.

(3) The final judgment or decree of the circuit court shall be subject to review by appeal in the same manner and form as other appeals from that court.

(4) A proceeding under this section shall be initiated not more than 30 days after a copy of the order of the commission is received, unless the commission is the petitioner or the petition is filed under subsection (3). If a proceeding is not so initiated, the commission may obtain a court order for enforcement of its order upon showing that a copy of the petition for enforcement was served on the respondent, that the respondent is subject to the jurisdiction of the court, that the order sought to be enforced is an order of the commission, regularly entered, and that the commission has jurisdiction over the subject matter and the respondent.

History: 1976, Act 453, Eff. Mar. 31, 1977;—Am. 1980, Act 93, Imd. Eff. Apr. 16, 1980.

ARTICLE 7

37.2701 Prohibited conduct.

Sec. 701. Two or more persons shall not conspire to, or a person shall not:

(a) Retaliate or discriminate against a person because the person has opposed a violation of this act, or because the person has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this act.

(b) Aid, abet, incite, compel, or coerce a person to engage in a violation of this act.

(c) Attempt directly or indirectly to commit an act prohibited by this act.

(d) Wilfully interfere with the performance of a duty or the exercise of a power by the commission or 1 of its members or authorized representatives.

(e) Wilfully obstruct or prevent a person from complying with this act or an order issued or rule promulgated under this act.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2702 Violation of order prohibited.

Sec. 702. A person shall not violate the terms of an order or an adjustment order made under this act.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2703 Revocation or suspension of license.

Sec. 703. If a certification is made pursuant to section 605(3), the licensing agency may take appropriate action to revoke or suspend the license of the respondent.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2704 Termination of contract.

Sec. 704. Upon receiving a certification made under section 605(4), a contracting agency shall take appropriate action to terminate a contract or portion thereof previously entered into with the respondent, either absolutely or on condition that the respondent carry out a program of compliance with this act, and shall advise the state and all political subdivisions and agencies thereof to refrain from entering into further contracts or extensions or other

modifications of existing contracts with the respondent until the commission is satisfied that the respondent carries out policies in compliance with this act.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2705 Construction of act.

Sec. 705. (1) This act shall not be construed as preventing the commission from securing civil rights guaranteed by law other than the civil rights set forth in this act.

(2) This act shall not be interpreted as restricting the implementation of approved plans, programs, or services to eliminate discrimination and the effects thereof when appropriate.

(3) This act shall not be interpreted as invalidating any other act that provides programs or services for persons covered by this act.

History: 1976, Act 453, Eff. Mar. 31, 1977.

ARTICLE 8

37.2801 Action for injunctive relief or damages; venue; "damages" defined.

Sec. 801. (1) A person alleging a violation of this act may bring a civil action for appropriate injunctive relief or damages, or both.

(2) An action commenced pursuant to subsection (1) may be brought in the circuit court for the county where the alleged violation occurred, or for the county where the person against whom the civil complaint is filed resides or has his principal place of business.

(3) As used in subsection (1), "damages" means damages for injury or loss caused by each violation of this act, including reasonable attorney's fees.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2802 Costs of litigation.

Sec. 802. A court, in rendering a judgment in an action brought pursuant to this article, may award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant in the action if the court determines that the award is appropriate.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2803 Legal or equitable remedies.

Sec. 803. This act shall not be construed to diminish the right of a person to direct or immediate legal or equitable remedies in the courts of the state.

History: 1976, Act 453, Eff. Mar. 31, 1977.

37.2804 Repeal of §§423.301 to 423.311, §§37.1 to 37.9, and §§564.101 to 564.704.

Sec. 804. Act No. 251 of the Public Acts of 1955, as amended, being sections 423.301 to 423.311 of the Compiled Laws of 1970, Act No. 45 of the Public Acts of the Second Extra Session of 1963, as amended, being sections 37.1 to 37.9 of the Compiled Laws of 1970, and Act No. 112 of the Public Acts of 1968, as amended, being sections 564.101 to 564.704 of the Compiled Laws of 1970, are repealed.

History: 1976, Act 453, Eff. Mar. 31, 1977.

CITY LIBRARY EMPLOYEES' RETIREMENT SYSTEM

Act 339 of 1927

AN ACT to authorize the establishment of a system of retiring allowances for employes of public libraries now existing or which may hereafter be established in incorporated cities of 250,000 population or more.

History: 1927, Act 339, Imd. Eff. June 1, 1927.

The People of the State of Michigan enact:

38.701 City library employees' retirement system; establishment.

Sec. 1. The legislative body of any incorporated city of 250,000 or more (hereinafter referred to for the purposes of this act as the local legislative body), where free public libraries have been or may hereafter be established is hereby authorized, upon the application and recommendation of the local library board or commission or body duly authorized by law to maintain free public libraries in such city (hereinafter referred to for the purposes of this act as the library board), to establish a system of retiring allowances for the employes of such libraries which system shall be based upon the principle that there shall be accumulated, year by year, a reserve fund sufficient to provide the agreed annuity at the time of retirement. Upon the establishment of such system, the local legislative body shall raise by taxation each year a sum which will provide an adequate reserve fund.

History: 1927, Act 339, Imd. Eff. June 1, 1927;—CL 1929, 8109;—CL 1948, 38.701.

38.702 Library board; submission of retirement plan to local legislative body.

Sec. 2. It shall be the duty of said library board when it desires to establish a system of retiring allowances, to apply to the local legislative body and to submit to said local legislative body for its approval and adoption a detailed plan for such system which shall be based upon the following provisions and conditions:

(a) It shall enumerate the classes of employes to be included in said system;

(b) It shall fix the amount of the annual retiring allowance, the number of years of service necessary to entitle an employe to a retiring allowance, the age at which an employe may be retired, the nature and extent of the physical or mental disability which shall entitle an employe to retire before reaching the age of retirement and the conditions upon which the age of retirement may be anticipated;

(c) It shall provide for a body to be known as the retiring fund trustees which shall consist of 5 members. Two members shall be elected by the staff; 2 members shall be appointed by said local legislative body and the terms of office of said members shall be 4 years except that when the system is first put into effect, the terms of office shall be so fixed that but 1 member's term shall expire each year. The fifth member shall be ex-officio, the presiding officer of the said library board. Said trustees shall have charge of said retiring allowance fund and shall invest the same only in such securities as are legal for savings banks. Said trustees shall adopt such rules and by-laws as may be necessary, and not inconsistent with the constitution and laws of this state and the provisions of this act;

(d) There shall be attached to such system as may be recommended, the certificate of a recognized and competent actuary stating that the system is actuarially sound, and the system shall provide for annual reports and valuations by such actuary to determine whether the fund is on a sound financial and actuarial basis.

History: 1927, Act 339, Imd. Eff. June 1, 1927;—CL 1929, 8110;—CL 1948, 38.702.

Cross-references: As to investment of trust funds, see §565.201 et seq.

38.703 Approval of plan by legislative body; commencement.

Sec. 3. Upon the submission by said library board of a plan for a system of retiring allowances, the local legislative body shall take the same under consideration and shall then, in conference with said library board agree upon the details of said plan and if said plan so agreed upon differs from the one submitted, it shall, before adoption, be submitted to an actuary for report upon its financial and actuarial soundness and, if certified to be sound, may then be adopted. The plan shall then be put into operation at the beginning of the next fiscal year, unless an earlier date is agreed upon.

History: 1927, Act 339, Imd. Eff. June 1, 1927;—CL 1929, 8111;—CL 1948, 38.703.

38.704 Annual assessment for retirement allowance.

Sec. 4. When a system for retiring allowances has been agreed upon by the local legislative body and the library board and formally adopted by the former, then it shall be the duty of said local legislative body to raise by taxation each year, the sum found necessary to produce the retiring allowance fund required by the system adopted.

History: 1927, Act 339, Imd. Eff. June 1, 1927;—CL 1929, 8112;—CL 1948, 38.704.

38.705 Reserve fund and annuities; tax exemption.

Sec. 5. When a system of retiring allowances is adopted under the provisions of this act, the reserve fund thereby provided shall be free from all state, county, township, city, village and school district taxes and the annuities payable to the members of the staff shall likewise be free from all such taxes.

History: 1927, Act 339, Imd. Eff. June 1, 1927;—CL 1929, 8113;—CL 1943, 38.706.

38.706 Municipal employees' retirement system; coverage of employees of public libraries.

Sec. 6. In lieu, however, of formulating any plan under the foregoing sections of this act the library board and the local legislative body may, by concurrent resolution, adopt and put into effect for the employees of the library any plan which may have been, or may hereafter be, adopted for the employees of the city.

History: Add. 1935, Act 154, Imd. Eff. June 4, 1935;—CL 1948, 38.706.

TOWN HALL AND OTHER BUILDINGS (EXCERPTS)**Act 381 of 1927**

AN ACT to authorize the issue of bonds to provide sites for and for the erection thereon of town halls, fire stations, libraries, or other buildings required for the public use in whole or in part, for township purposes or for the purpose of acquiring a site with buildings thereon and furnishing a town hall, fire station, library, or other building or buildings required for the public use of such inhabitants in whole or in part for township purposes or for additions to and improvements of such sites and the buildings thereon, whether now existing or hereafter acquired, in any township in this state, and for the raising by townships of money for the maintenance, upkeep or repairs of the township hall, fire station, library, or other public buildings of the township; and the levying of taxes without limitation as to rate or amount for the repayment of the bonds.

History: 1927, Act 381, Eff. Sept. 5, 1927;—Am. 1961, Act 36, Imd. Eff. May 18, 1961;—Am. 1963, Act 216, Eff. Sept. 6, 1963;—Am. 1973, Act 120, Imd. Eff. Aug. 21, 1973.

The People of the State of Michigan enact:

41.241 Borrowing money on faith and credit of township; application; issuing bonds; purposes for which borrowed money to be used.

Sec. 1. The township board of an organized township in this state, after an application has been filed with the township board signed by at least 12 registered electors of the township, may borrow money, not exceeding 5% of the assessed valuation of the township according to the assessed valuation of all the real and personal property of the township for the preceding December 31, on the faith and credit of the township. The township may issue bonds for the repayment of money borrowed under this section. The money borrowed shall be used for the purpose of: acquiring a site for, erecting, and furnishing a town hall, fire station, or library; making additions and improvements to existing sites and town halls, fire stations, or libraries, or other township public buildings; or purchasing and furnishing a building to be used for a town hall, fire station, or library, or other township public buildings.

History: 1927, Act 381, Eff. Sept. 5, 1927;—CL 1929, 2368;—CL 1948, 41.241;—Am. 1961, Act 36, Imd. Eff. May 18, 1961;—Am. 1963, Act 216, Eff. Sept. 6, 1963;—Am. 1980, Act 415, Imd. Eff. Jan. 11, 1981.

Former Law: See Act 397 of 1921.

Cross-references: As to borrowing limit, see section 1 of Act 157 of 1967, being §41.231.

41.246 Township buildings; tax levy for maintenance and repairs.

Sec. 6. Any township of this state may at any annual township meeting vote a tax upon the property of such township of not to exceed $\frac{1}{20}$ of 1% of the assessed valuation of such township according to the assessed valuation of all the real or personal property of said township of the preceding year and the money so raised shall be used by the township board for the maintenance, upkeep or repairs of the township hall, fire station, library or other public buildings of the township.

History: 1927, Act 381, Eff. Sept. 5, 1927;—CL 1929, 2373;—CL 1948, 41.246;—Am. 1961, Act 36, Imd. Eff. May 18, 1961;—Am. 1963, Act 216, Eff. Sept. 6, 1963.

41.246a Libraries; purchase of sites and buildings, construction, maintenance.

Sec. 6a. The township board of any organized township may purchase sites and buildings for libraries, or lease, construct, and remodel, add to and maintain building or space for libraries.

History: Add. 1963, Act 216, Eff. Sept. 6, 1963.

**OPTIONAL UNIFIED FORM OF
COUNTY GOVERNMENT (EXCERPTS)**

Act 139 of 1973

AN ACT to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; and to provide methods for abolition of a unified form of county government.

History: 1973, Act 139, Eff. Mar. 29, 1974.

The People of the State of Michigan enact:

45.554 Abolition of certain offices, boards, commissions, authorities, or departments; termination of tenure; former powers as general county government powers; powers and duties of excepted boards or commissions; certain powers neither minimized or divested; method of appointing veterans; powers vested in county department of veterans' affairs administrative committee or soldiers' relief commission.

Sec. 4. (1) On the date the optional unified form of county government becomes effective, all appointed boards, commissions, and authorities except the apportionment commission, airport zoning board of appeals, board of county canvassers, board of determination for a drainage district, civil service commission, county drainage board, county department of veterans' affairs administrative committee or soldiers' relief commission, concealed weapons licensing board, election commission, jury commission, library commission, parks and recreation commission, social services board, tax allocation board, a board established to oversee retirement programs, a plat board, a mental health board, a hospital board, an intercounty drainage board, and a building authority established by the county individually or in conjunction with another unit of government and the boards of county road commissioners; and all elective county offices except those of county commissioner, prosecuting attorney, clerk, register of deeds, treasurer, sheriff, and drain commissioner are abolished and the tenure of persons holding the office or appointment is terminated. Termination shall take effect whether or not it coincides with the end of a term of office or appointment. All county departments in conflict with the departmental organization established by this act are abolished. As used in this act, "department" or "county department" shall not include boards of county road commissioners.

(2) On the date the optional unified form of county government becomes effective, powers vested in an abolished office, board, commission, authority, or department shall become general county government powers, and functions performed by the abolished office, board, commission, authority, or department shall be administered by the county executive or county manager in the manner determined by the county board of commissioners.

(3) A board or commission which is excepted from this act pursuant to subsection (1) shall exercise the powers and duties as provided by law.

(4) The power vested in the office of county prosecuting attorney, county sheriff, county register of deeds, county clerk, county treasurer, county drain commissioner, or the board of county road commissioners, shall not be minimized or divested by this act.

(5) The method of appointing veterans to and the power vested in a county department of veterans' affairs administrative committee pursuant to Act No. 192 of the Public Acts of 1953, as amended, being sections 35.621 to 35.624 of the Michigan Compiled Laws, or a soldiers' relief commission pursuant to Act No. 214 of the Public Acts of 1899, as amended, being sections 35.21 to 35.27 of the Michigan Compiled Laws, shall not be affected, minimized, or divested, except as follows:

(a) Budgeting, procurement, office facilities and equipment, employment, and related management functions shall be performed under the direction and supervision of the county manager or executive.

(b) The employment of veterans' service officer shall be subject to approval of the department of veterans' affairs administrative committee or soldiers' relief commission.

History: 1973, Act 139, Eff. Mar. 29, 1974;—Am. 1978, Act 9, Imd. Eff. Feb. 7, 1978;—Am. 1980, Act 100, Imd. Eff. Apr. 19, 1980.

45.563 Departments; establishment; directors; functions. (Excerpts)

Sec. 13. An optional unified form of county government shall have all functions, except when otherwise allocated by this act, performed by 1 or more departments of the county or by the remaining boards, commissions, or authorities. Each department shall be headed by a director. Subject to the authority of the county manager or elected county executive the following departments and their respective directors may be established and designated to be responsible for performance of the functions enumerated:

(i) The department of libraries shall operate a general library program for the county if no library board or commission exists and may operate libraries for other governmental and semi-governmental entities.

History: 1973, Act 139, Eff. Mar. 29, 1974;—Am. 1982, Act 420, Eff. Mar. 30, 1983.

FOURTH CLASS CITIES (EXCERPTS)

Act 215 of 1895

AN ACT to provide for the incorporation of cities of the fourth class; to provide for the vacation of the incorporation thereof; to define the powers and duties of such cities and the powers and duties of the municipal finance commission or its successor agency and of the department of treasury with regard thereto; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by cities; to define the application of this act and provide for its amendment by cities subject thereto, and to validate such prior amendments and certain prior actions taken and bonds issued by such cities.

History: 1895, Act 215, Eff. Aug. 30, 1895;—Am. 1931, Act 223, Eff. Sept. 18, 1931;—Am. 1964, Act 110, Eff. Aug. 13, 1964;—Am. 1962, Act 161, Imd. Eff. May 10, 1962;—Am. 1974, Act 346, Imd. Eff. Dec. 21, 1974;—Am. 1983, Act 45, Imd. Eff. May 12, 1983.

The People of the State of Michigan enact:

CHAPTER VII—DUTIES AND COMPENSATION OF OFFICERS.

87.15 Public moneys; prohibited handling; removal from office.

Sec. 15. The city treasurer shall keep all moneys in his hands belonging to the city and to the public schools, separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt, or any of the school or library funds in his custody or keeping, for his own use or benefit or that of any other person; any violation of this section shall subject him to immediate removal from office by the council, and the council is hereby authorized to declare the office vacant and to appoint his successor for the remainder of his term.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3037;—CL 1915, 2963;—CL 1929, 1377;—CL 1948, 87.15. See notes to Compilers' §64.12.

CHAPTER XI—GENERAL POWERS OF CITY CORPORATIONS.

91.1 General powers. (Excerpts)

Sec. 1. Every city incorporated under the provisions of this act, shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, namely:

Public library.

Thirty-eighth. To establish and maintain a public library, and to provide a suitable building therefor, and to aid in maintaining such other public libraries as may be established within the city by private beneficence as the council may deem to be for the public good;

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3107;—CL 1915, 3021;—CL 1929, 1945;—CL 1948, 91.1.

Cross-references: As to division of territory, see §123.1 et seq. As to funding of floating indebtedness, see §141.1 et seq. As to interstate bridge over navigable stream, see §254.91 et seq. As to recreation halls in townships, see §41.501 et seq.

HOME RULE CITIES (EXCERPTS)

Act 279 of 1909

AN ACT to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; and to validate actions taken, bonds issued and obligations heretofore incurred.

History: 1909, Act 279, Eff. Sept. 1, 1909;—Am. 1911, Act 203, Eff. Aug. 1, 1911;—Am. 1913, Act 5, Imd. Eff. Mar. 11, 1913;—Am. 1973, Act 61, Imd. Eff. July 31, 1973;—Am. 1981, Act 175, Imd. Eff. Dec. 14, 1981.

The People of the State of Michigan enact:

117.4e Permissible charter provisions.

Sec. 4e. Each city may in its charter provide:

Public buildings, grounds, acquisition.

(1) For the acquisition by purchase, gift, condemnation, lease, construction or otherwise, either within or without its corporate limits and either within or without the corporate limits of the county in which it is located, of the following improvements including the necessary lands therefor, viz.: City hall, police stations, fire stations, boulevards, streets, alleys, public parks, recreation grounds, municipal camps, public grounds, zoological gardens, museums, libraries, airports, cemeteries, public wharves and landings upon navigable waters, levees and embankments, watch-houses, city prisons and work houses, penal farms, institutions, hospitals, quarantine grounds, electric light and power plants and systems, gas plants and systems, waterworks plants and systems, sewage disposal plants and systems, market houses and market places, office buildings for city officers and employees, public works, and public buildings of all kinds; and for the costs and expenses thereof;

Condemnation.

(2) For the acquisition by purchase, gift, condemnation, lease or otherwise of private property, either within or without its corporate limits and either within or without the corporate limits of the county in which it is located, for any public use or purpose within the scope of its powers, whether herein specifically mentioned or not. If condemnation proceedings are resorted to for the acquisition of private property outside the corporate limits of such city, such condemnation proceedings may be brought under the provisions of Act No. 149 of the Public Acts of 1911, as amended or as may be amended, entitled "An act to provide for the condemnation by state agencies and public corporations of private property for the use or benefit of the public and to define the terms 'public corporations,' 'state agencies' and 'private property' as used herein," being sections 353 to 373 inclusive of the Compiled Laws of 1915, or such other appropriate provisions therefor as exist or shall be made by law;

Property, lease, sale, etc.

(3) For the maintenance, development, operation, of its property and upon the discontinuance thereof to lease, sell or dispose of the same subject to any restrictions placed thereupon by law: Provided, That on the sale of any capital asset of a municipally owned utility the money received shall be used in procuring a similar capital asset, or placed in the sinking fund to retire bonds issued for said utility.

History: Add. 1929, Act 126, Eff. Aug. 28, 1929;—CL 1929, 2235;—CL 1948, 117.4e;—Am. 1949, Act 207, Eff. Sept. 23, 1949.

Compiler's note: For provisions of Act 149 of 1911, referred to in subdivision (2), see §213.21 et seq.

Cross-references: As to "cost-plus" contracts, see §17.41 et seq.

MICHIGAN ELECTION LAW (EXCERPTS)

Act 116 of 1954

AN ACT to reorganize, consolidate and add to the election laws; to provide for election officials and prescribe their powers and duties; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to prescribe the penalties therefor; and to repeal certain acts and all other acts inconsistent herewith.

History: 1954, Act 116, Eff. June 1, 1955.

The People of the State of Michigan enact:

CHAPTER XVI—TOWNSHIP OFFICES

168.341 Elective township offices and officers.

Sec. 341. Elective township offices shall consist of a supervisor, township clerk, township treasurer, not to exceed 4 constables, and not to exceed 4 trustees. Elective township officers may include library directors and park commission members.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1966, Act 44, Imd. Eff. June 2, 1966;—Am. 1980, Act 112, Imd. Eff. May 14, 1980.

168.358 Township officers; submission of propositions; election.

Sec. 358. (1) In every township there shall be a general November election in each even numbered year for the election of officers and the submission of propositions, as provided by law. At the 1980 general election there shall be elected by ballot the following township officers: A supervisor; a clerk; a treasurer; 2 trustees; not more than 4 constables; and, if authorized by law and after a township takes the actions provided in section 11 of Act No. 164 of the Public Acts of 1877, as amended, being section 397.211 of the Michigan Compiled Laws, 6 free public library directors; and, after a township takes the actions provided in section 1 of Act No. 271 of the Public Acts of 1931, as amended, being section 41.441 of the Michigan Compiled Laws, 6 park commission members. The order of offices on the township portion of the ballots shall be the same as the officers are here listed.

(2) The number of constables to be elected shall be determined by the township board not less than 6 months before the township primary election preceding the general election at which the constables are to be elected. If a determination as to the number of constables to be elected is not made by the township board, 2 constables shall be elected.

(3) In a township having a population of 5,000 or more, or having 3,000 or more qualified and registered electors, as shown by the registration records at the close of registration for the last preceding November election, there may be elected in that township 4 trustees. In other townships there shall be 2 trustees. A township shall not elect 4 trustees unless the election of additional trustees is approved by the voters at a regular township election or by a majority of the voters attending at an annual meeting. The township board of a township having a population of 5,000 or more, or having 3,000 or more qualified and registered electors, shall cause the question of electing additional trustees to be voted on at the first township election or annual meeting following the township's qualifying for additional trustees. If a majority of the electors voting on the question vote in favor of electing 4 trustees, the township shall thereafter elect 4 trustees. If a majority of the electors voting on the question do not vote in favor of electing 4 trustees, the township board may resubmit the question at a subsequent township election or annual meeting or the question shall be submitted at the first township election or annual meeting held not less than 49 days following the submission of a petition containing the signatures of not less than 10% of the registered and qualified electors of the township, as shown by the registration records at the close of registration for the last preceding November election, asking that the question be submitted.

(4) At the first regular township election in a township held not less than 4 months after the provisions of this section relative to additional trustees are adopted, there shall be elected the number of trustees necessary to make a total of 4 trustees.

(5) This section does not prohibit townships now electing 4 trustees from continuing to do so.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1958, Act 192, Eff. Sept. 13, 1958;—Am. 1966, Act 44, Imd. Eff. June 2, 1966;—Am. 1967, Act 215, Imd. Eff. Nov. 2, 1967;—Am. 1978, Act 5, Imd. Eff. Feb. 7, 1978;—Am. 1980, Act 112, Imd. Eff. May 14, 1980;—Am. 1982, Act 150, Imd. Eff. May 6, 1982.

INCOME TAX ACT OF 1967 (EXCERPTS)

Act 281 of 1967

AN ACT to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts.

History: 1967, Act 281, Eff. Oct. 1, 1967.

The People of the State of Michigan enact:

CHAPTER 5

206.260 Tax credit for certain charitable contributions; limitations; amount allowable; annual report; financial statements; "institution of higher learning" and "public library or libraries" defined; "contributions made by the taxpayer" explained; "artwork" defined; limitation on sum of credits.

Sec. 260. (1) A taxpayer may credit against the tax imposed by this act for the taxable year, an amount, subject to the applicable limitations provided by this section, equal to 50% of the aggregate amount of charitable contributions made by the taxpayer during the year to this state pursuant to Act No. 105 of the Public Acts of 1980, being sections 18.71 to 18.81 of the Michigan Compiled Laws, of an artwork created by the taxpayer, for display in a public place; or to the state art in public places fund created pursuant to the same act; municipalities in this state of an artwork created by the personal effort of the taxpayer for display in a public place; either a municipality of this state or a nonprofit corporation affiliated with both a municipality and an art institute located in the municipality, of money or artwork, whether or not created by the personal effort of the taxpayer, if for the purpose of benefiting an art institute located in that municipality; public libraries; a public broadcast station, as defined by 47 U.S.C. 397, which is not affiliated with an institution of higher education; institutions of higher learning located within this state; the Michigan colleges foundation; or to a nonprofit corporation, fund, foundation, trust, or association organized and operated exclusively for the benefit of institutions of higher learning. An institution of higher learning which receives such contributions through a nonprofit corporation, fund, foundation, trust, or association organized and operated exclusively for the benefit of the institution of higher learning, shall make an annual report to the chairpersons of the house and senate appropriations committees and the house taxation committee and senate finance committee indicating in what manner these contributions were or are being used and any specific conditions under which a particular contribution was received and how the money or property from that contribution was or is being used. The report shall be due not later than February 1 for the immediately preceding calendar year and shall be issued in 1981 and 1982 only. The tax credit shall be permitted only if the donee corporation, fund, foundation, trust, or association is controlled or approved and reviewed by the governing boards of the institutions benefiting from the charitable contributions. The nonprofit corporation, fund, foundation, trust, or association shall provide copies of their annual independently audited financial statements to the auditor general of this state and chairpersons of the senate and house appropriations committees.

(2) In the case of a taxpayer other than a resident estate or trust the amount allowable as a credit under this section for any taxable year shall not exceed 20% of the taxpayer's tax liability for the year as determined without regard to this section or \$100.00, or in the case of a husband and wife filing a joint return as provided in section 311, \$200.00, whichever is less.

(3) In the case of a resident estate or trust the amount allowable as a credit under this section for any taxable year shall not exceed 10% of the tax liability for the year as determined without regard to this section, or \$5,000.00, whichever is less.

(4) For the purpose of this section, "institution of higher learning" means only an educational institution located within this state meeting all of the following requirements:

(a) It maintains a regular faculty and curriculum and has a regularly enrolled body of students in attendance at the place where its educational activities are carried on.

(b) It regularly offers education above the twelfth grade.

(c) It awards associate, bachelors, masters, or doctoral degrees or a combination of those degrees or higher education credits acceptable for those degrees granted by other institutions of higher learning.

(d) It is recognized by the state board of education as an institution of higher learning and appears as such in the annual publication of the department of education entitled "The Directory of Institutions of Higher Education".

(5) "Public library or libraries" means a public library as defined in section 2 of Act No. 89 of the Public Acts of 1977, being section 397.552 of the Michigan Compiled Laws.

(6) As used in subsection (1), "contributions made by the taxpayer" includes, but is not limited to, the fair market value of artwork created by the personal effort of the taxpayer which is donated to and accepted as a donation by a qualified organization. The fair market value of a piece of artwork shall be determined at the time of the donation by independent appraisal. For purposes of this subsection, "artwork" means an original, visual creation of quality executed in any size or shape, in any media, using any kind or type of materials.

(7) The sum of the credits allowed by section 257 and this section shall not be in excess of the tax liability of the taxpayer.

History: Add. 1968, Act 315, Eff. Nov. 15, 1968;—Am. 1972, Act 332, Imd. Eff. Jan. 4, 1973;—Am. 1973, Act 20, Imd. Eff. May 16, 1973;—Am. 1974, Act 290, Imd. Eff. Oct. 15, 1974;—Am. 1975, Act 233, Imd. Eff. Aug. 27, 1975;—Am. 1979, Act 199, Eff. Mar. 27, 1980;—Am. 1980, Act 475, Eff. Mar. 31, 1981.

Cited in other sections: Section 206.260 is cited in §21.272.

SINGLE BUSINESS TAX ACT (EXCERPTS)

Act 228 of 1975

AN ACT to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation.

History: 1975, Act 228, Eff. Jan. 1, 1976.

The People of the State of Michigan enact:

CHAPTER 2

208.38 Tax credit for charitable contributions to public broadcast station; limitations; conditions; annual report; financial statements; definitions.

Sec. 38. (1) At the election of taxpayers not subject to Act No. 281 of the Public Acts of 1967, as amended, being sections 206.1 to 206.532 of the Michigan Compiled Laws, there shall be allowed as a credit against the tax imposed by this act for the taxable year, an amount, subject to the applicable limitations provided by this section, equal to 50% of the aggregate amount of charitable contributions made by the taxpayer during the year to a public broadcast station as defined by 47 U.S.C. 397 which is not affiliated with an institution of higher education, public libraries, institutions of higher learning located within this state, the Michigan colleges foundation, or to a nonprofit corporation, fund, foundation, trust, or association organized and operated exclusively for the benefit of institutions of higher learning. An institution of higher learning which receives the contributions through a nonprofit corporation, fund, foundation, trust, or association organized and operated exclusively for the benefit of the institution of higher learning, shall make an annual report to the chairpersons of the house and senate appropriations committees and the house taxation committee and senate finance committee indicating in what manner the contributions were or are being used and any specific conditions under which a particular contribution was received and how the money or property from that contribution was or is being used. The report shall be due not later than February 1 for the immediately preceding calendar year and shall be issued in 1981 and 1982 only. The tax credit shall be permitted only where the donee corporation, fund, foundation, trust, or association is controlled or approved and reviewed by the governing boards of the institutions benefiting from the charitable contributions. The nonprofit corporation, fund, foundation, trust, or association shall provide copies of their annual independently audited financial statements to the auditor general of the state and chairpersons of the senate and house appropriations committees.

(2) The amount allowable as a credit under this section for any taxable year shall not exceed 5% of the tax liability for that year as determined without regard to this section or \$5,000.00, whichever is less.

(3) As used in this section, "institution of higher learning" means an educational institution located within this state meeting all of the following requirements:

(a) It maintains a regular faculty and curriculum and has a regularly enrolled body of students in attendance at the place where its educational activities are carried on.

(b) It regularly offers education above the twelfth grade.

(c) It awards associate, bachelors, masters, or doctoral degrees or any combination of those degrees or higher education credits acceptable for those degrees granted by other institutions of higher learning.

(d) It is recognized by the state board of education as an institution of higher learning and appears as an institution of higher learning in the annual publication of the department of education entitled "the directory of institutions of higher education".

(4) As used in this section, "public library or libraries" means a public library as defined in section 2 of Act No. 89 of the Public Acts of 1977, being section 397.552 of the Michigan Compiled Laws.

(5) The credit allowed by this section shall not be in excess of the tax liability of the taxpayer.

History: 1975, Act 228, Eff. Jan. 1, 1976;—Am. 1980, Act 318, Imd. Eff. Dec. 9, 1980.

Compiler's note: Section 2 of Act 318 of 1980 provides: "This amendatory act shall take effect for tax years commencing January 1, 1980."

Cited in other sections: Section 208.38 is cited in §212.7d.

THE GENERAL PROPERTY TAX ACT (EXCERPTS)

Act 206 of 1893

AN ACT to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes thereon, and for the collection of taxes levied; making such taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection therewith; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts in anywise contravening any of the provisions of this act.

History: 1893, Act 206, Eff. June 12, 1893;—Am. 1939, Act 37, Imd. Eff. Apr. 13, 1939;—Am. 1941, Act 234, Imd. Eff. June 16, 1941;—Am. 1949, Act 317, Eff. Sept. 23, 1949;—Am. 1975, Act 334, Imd. Eff. Jan. 12, 1976;—Am. 1981, Act 6, Imd. Eff. Apr. 16, 1981;—Am. 1983, Act 254, Imd. Eff. Dec. 29, 1983.

The People of the State of Michigan enact:

REAL ESTATE EXEMPTIONS

211.7n Nonprofit theater, library, educational, or scientific institution; nonprofit organization fostering development of literature, music, painting, or sculpture.

Sec. 7n. Real estate or personal property owned and occupied by nonprofit theater, library, educational, or scientific institutions incorporated under the laws of this state with the buildings and other property thereon while occupied by them solely for the purposes for which the institutions were incorporated is exempt from taxation under this act. In addition, real estate or personal property owned and occupied by a nonprofit organization organized under the laws of this state devoted exclusively to fostering the development of literature, music, painting, or sculpture which substantially enhances the cultural environment of a community as a whole, is available to the general public on a regular basis, and is occupied by it solely for the purposes for which the organization was incorporated is exempt from taxation under this act.

History: Add. 1980, Act 142, Imd. Eff. June 2, 1980;—Am. 1981, Act 212, Imd. Eff. Dec. 30, 1981.

211.9 Personal property exempt from taxation. (Excerpts)

Sec. 9. The following personal property shall be exempt from taxation:

Libraries and reading rooms.

(b) The property of all library associations, circulating libraries, libraries of reference, and reading rooms owned or supported by the public and not used for gain.

History: 1893, Act 206, Eff. June 12, 1893;—Am. 1895, Act 25, Imd. Eff. Mar. 20, 1895;—CL 1897, 3832;—Am. 1909, Act 309, Eff. Sept. 1, 1909;—CL 1915, 4003;—Am. 1921, Act 297, Eff. Aug. 18, 1921;—CL 1929, 3397;—Am. 1931, Act 94, Imd. Eff. May 11, 1931;—Am. 1934, 1st Ex. Sess., Act 10, Imd. Eff. Mar. 19, 1934;—Am. 1935, Act 83, Eff. Sept. 21, 1935;—Am. 1939, Act 232, Eff. Sept. 29, 1939;—CL 1948, 21.9;—Am. 1949, Act 261, Imd. Eff. June 7, 1949;—Am. 1952, Act 213, Imd. Eff. Apr. 30, 1952;—Am. 1953, Act 159, Eff. Oct. 2, 1953;—Am. 1956, Act 206, Eff. Aug. 11, 1956;—Am. 1958, Act 209, Eff. Sept. 13, 1958;—Am. 1964, Act 275, Eff. Aug. 28, 1964;—Am. 1966, Act 205, Imd. Eff. July 11, 1966;—Am. 1967, Act 259, Imd. Eff. July 19, 1967;—Am. 1968, Act 347, Eff. Nov. 15, 1968;—Am. 1969, Act 169, Imd. Eff. Aug. 5, 1969;—Am. 1971, Act 189, Imd. Eff. Dec. 20, 1971;—Am. 1974, Act 83, Imd. Eff. Apr. 17, 1974;—Am. 1976, Act 270, Imd. Eff. Oct. 6, 1976;—Am. 1978, Act 54, Imd. Eff. Mar. 10, 1978;—Am. 1984, Act 206, Imd. Eff. July 9, 1984.

Cited in other sections: Section 211.9 is cited in §206.263.

211.43 Notice of taxes apportioned to township; bond; schedule for delivering tax collections; alternative schedule; accounting for and delivering tax collections; resolution; wilfully neglecting or refusing to perform duty; penalty; definitions. (Excerpts)

Sec. 43. (7) The county treasurer shall account for and deposit in the county library fund for the use of the county library board, county tax collections received pursuant to a tax levied under section 1 of Act No. 138 of the Public Acts of 1917, being section 397.301 of the Michigan Compiled Laws, within 10 business days after the county treasurer receives the funds.

(10) A treasurer who wilfully neglects or refuses to perform a duty required by subsections (3) to (8) is subject to the penalty prescribed in section 119(1).

History: 1893, Act 206, Eff. June 12, 1893;—CL 1897, 3866;—Am. 1903, Act 28, Eff. Sept. 17, 1903;—Am. 1911, Act 156, Eff. Aug. 1, 1911;—CL 1915, 4038;—CL 1929, 3432;—Am. 1933, Act 242, Eff. Oct. 17, 1933;—Am. 1934, 1st Ex. Sess., Act 26, Imd. Eff. Mar. 28, 1934;—Am. 1945, Act 269, Eff. Sept. 6, 1945;—CL 1948, 211.43;—Am. 1949, Act 267, Eff. Sept. 23, 1949;—Am. 1951, Act 103, Imd. Eff. May 31, 1951;—Am. 1977, Act 166, Imd. Eff. Nov. 16, 1977;—Am. 1979, Act 211, Eff. July 1, 1980;—Am. 1984, Act 77, Imd. Eff. Apr. 12, 1984;—Am. 1984, Act 146, Imd. Eff. June 25, 1984.

Compiler's note: Section 3 of Act 211 of 1979 provides: "The legislature shall annually appropriate an amount sufficient to make disbursements to local units of government for the necessary cost of any increased level of activity or service, beyond that required of a local unit of government by existing law, which is required by this amendatory act, pursuant to Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, which implements section 29 of article 9 of the state constitution of 1963."

Cited in other sections: Section 211.43 is cited in §124.357.

PROPERTY TAX LIMITATION ACT (EXCERPTS)

Act 62 of 1933

AN ACT to provide limits on the rate of taxation on property, and to provide for a division of the rate of taxation between counties, townships, municipal corporations, school districts and other local units and to earmark funds raised by increasing the total tax limitation; and to repeal all acts and parts of acts and charters and parts of charters of municipal corporations inconsistent with or contravening the provisions of this act.

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933;—Am. 1947, Act 293, Eff. Oct. 11, 1947.

The People of the State of Michigan enact:

211.211 County tax allocation board; powers and duties in determining tax rates. (Excerpts)

Sec. 11. (d) The board shall approve minimum tax rates as follows: For the county if other than a charter county, 3 mills; for school districts, 4 mills; for community college districts organized after April 15, 1957, $\frac{1}{4}$ of 1 mill; for intermediate school districts, $\frac{1}{10}$ of 1 mill; for townships other than charter townships, 1 mill. If the community college district votes to increase the total tax limitation as provided in section 6 of article 9 of the state constitution of 1963, the board, during the period the increase is in effect, shall not allocate the $\frac{1}{4}$ of 1 mill minimum tax rate to the community college district, but the community college district shall raise all of its tax revenues from the amount of increase so voted. A local unit shall not be allowed a tax rate in excess of what is required pursuant to its proposed budget. Of the millage allocated to a first-class school district, .64 mills shall be collected and paid by the school district to the public library commission existing in the district for services of an educational nature rendered by the library to the residents of the school district.

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933;—Am. 1934, 1st Ex. Sess., Act 30, Imd. Eff. Mar. 28, 1934;—Am. 1937, Act 40, Imd. Eff. May 13, 1937;—Am. 1945, Act 158, Imd. Eff. May 16, 1945;—Am. 1947, Act 293, Eff. Oct. 11, 1947;—CL 1948, 211.211;—Am. 1952, Act 87, Eff. Sept. 18, 1952;—Am. 1957, Act 155, Eff. Sept. 27, 1957;—Am. 1959, Act 88, Imd. Eff. June 29, 1959;—Am. 1964, Act 278, Eff. Aug. 28, 1964;—Am. 1971, Act 139, Imd. Eff. Sept. 29, 1971;—Am. 1975, Act 102, Imd. Eff. June 3, 1975;—Am. 1978, Act 359, Imd. Eff. July 22, 1978;—Am. 1980, Act 24, Imd. Eff. Mar. 7, 1980.

Cited in other sections: Section 211.211 is cited in §§211.205b and 211.205g.

MICHIGAN VEHICLE CODE (EXCERPTS)

Act 300 of 1949

AN ACT to provide for the registration, titling, sale, transfer, and regulation of vehicles operated upon the public highways of this state or any other place open to the general public and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to provide for the creation of a Michigan department of state publications fund; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state agencies; and to repeal all other acts or parts of acts inconsistent with this act or contrary to this act.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1957, Act 281, Eff. Sept. 27, 1957;—Am. 1978, Act 507, Eff. July 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 137, Imd. Eff. May 29, 1980;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983.

The People of the State of Michigan enact:

CHAPTER VIII.

PENALTIES

257.907 Civil infraction not lesser included offense of criminal offense; payment of civil fine and costs; program of treatment, education, or rehabilitation; sanctions; schedule and recommended range of civil fines and costs; certification of repair of defective equipment; certification that defendant produced evidence of vehicle insurance; default; collection of civil fine or costs; noncompliance with order or judgment; suspension; waiver of civil fine or cost for violation of §257.710d; levy, payment, and disposition of assessment; waiver of fine and costs.

Sec. 907. (1) A violation of this act or a local ordinance substantially corresponding to a provision of this act, which is designated a civil infraction shall not be considered a lesser included offense of a criminal offense.

(2) If a person is determined pursuant to sections 741 to 750 to be responsible or responsible "with explanation" for a civil infraction under this act or a local ordinance substantially corresponding to a provision of this act, the judge, district court referee, or district court magistrate may order the person to pay a civil fine of not more than \$100.00 and costs as provided in subsection (3). However, beginning March 30, 1983, a person determined pursuant to sections 741 to 750 to be responsible or responsible "with explanation" for a civil infraction under section 674(1)(s) or a local ordinance substantially corresponding to section 674(1)(s) shall be ordered to pay costs as provided in subsection (3) and shall be ordered to pay a civil fine of not less than \$20.00 nor more than \$100.00. For a violation of section 710d, the civil fine ordered under this subsection shall not exceed \$10.00. Permission may be granted for payment of a civil fine and costs to be made within a specified period of time or in specified installments, but in the absence of permission being included in the order or judgment, the civil fine and costs shall be payable immediately.

(3) If a civil fine is ordered to be paid under subsection (2), the judge, district court referee, or district court magistrate shall summarily tax and determine the costs of the action, which shall not be limited to the costs taxable in ordinary civil actions, and may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the civil infraction, up to the entry of judgment. Except in a civil infraction for a parking violation, costs of not less than \$5.00 shall be ordered. Costs shall not be ordered in excess of \$100.00. Except as otherwise provided by law, costs shall be payable to the general fund of the plaintiff.

(4) In addition to a civil fine and costs ordered under subsection (2), the judge, district court referee, or district court magistrate may order the person to attend and complete a program of treatment, education, or rehabilitation.

(5) A district court referee or district court magistrate shall impose the sanctions permitted under subsections (2) and (4) only to the extent expressly authorized by the chief judge or only judge of the district court district.

(6) Each district of the district court and each municipal court may establish a schedule of civil fines and costs to be imposed for civil infractions which occur within the respective district or city. If a schedule is established, it shall be prominently posted and readily available for public inspection. A schedule need not include all violations which are designated by law or ordinance as civil infractions. A schedule may exclude cases on the basis of a defendant's prior record of civil infractions or traffic offenses, or a combination of civil infractions and traffic offenses.

(7) The state court administrator shall annually publish and distribute to each district and court a recommended range of civil fines and costs for first-time civil infractions. This recommendation shall not be binding upon the courts having jurisdiction over civil infractions but is intended to act as a normative guide for judges, district court referees, and district court magistrates and a basis for public evaluation of disparities in the imposition of civil fines and costs throughout the state.

(8) If a person has received a civil infraction citation for defective safety equipment on a vehicle under section 683, the court shall waive a civil fine and costs, upon receipt of certification by a law enforcement agency that repair of the defective equipment was made before the appearance date on the citation.

(9) If a person has received a civil infraction citation under section 328 for failure to produce evidence that a motor vehicle is insured under chapter 31 of the insurance code of 1956, Act No. 218 of the Public Acts of 1956, as amended, being sections 500.3101 to 500.3179 of the Michigan Compiled Laws, the court shall waive a civil fine and costs upon receipt of certification by a law enforcement agency that the defendant, before the appearance date on the citation, has produced evidence that the vehicle was insured on the date of issuance of the citation as required.

(10) A default in the payment of a civil fine or costs ordered under subsection (2) or an installment of the fine or costs may be collected by a means authorized for the enforcement of a judgment under chapter 40 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, as amended, being sections 600.4001 to 600.4065 of the Michigan Compiled Laws, or under chapter 60 of Act No. 236 of the Public Acts of 1961, as amended, being sections 600.6001 to 600.6097 of the Michigan Compiled Laws.

(11) If a person fails to comply with an order or judgment issued pursuant to this section, within the time prescribed by the court, the driver's license of that person shall be suspended pursuant to section 321a until full compliance with that order or judgment occurs. In addition to this suspension, the court may also proceed under section 908.

(12) The court shall waive any civil fine or cost against a person who received a civil infraction citation for a violation of section 710d if the person, before the appearance date on the citation, supplies the court with evidence of acquisition, purchase, or rental of a child seating system meeting the requirements of section 710d.

(13) In addition to any fines and costs ordered to be paid under this section, the judge, district court referee, or district court magistrate shall levy an assessment of \$5.00 for each civil infraction determination, except for a parking violation or a violation for which the total fine and costs imposed are \$10.00 or less. Upon payment of the assessment, the clerk of the court shall transmit the assessment levied to the state treasury to be deposited into the Michigan justice training fund. An assessment levied under this subsection shall not be considered a civil fine for purposes of section 909. An assessment shall not be levied on the basis of a civil infraction citation issued after October 12, 1987.

(14) If a person has received a citation for a violation of section 223, the court shall waive any fine and costs, upon receipt of certification by a law enforcement agency that the person, before the appearance date on the citation, produced a valid registration certificate that was valid on the date the violation of section 223 occurred.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 469, Imd. Eff. Jan. 15, 1981;—Am. 1981, Act 117, Eff. Mar. 31, 1982;—Am. 1982, Act 51, Eff. Mar. 30, 1983;—Am. 1982, Act 301, Imd. Eff. Oct. 12, 1982;—Am. 1984, Act 30, Eff. Apr. 28, 1984.

Cited in other sections: Section 257.907 is cited in §§ 18.423, 500.3303, 500.3320, 600.8375, and 600.8512.

257.909 Application of civil fines to public and county law libraries.

Sec. 909. (1) A civil fine which is ordered under section 907 for a violation of this act or other state statute shall be exclusively applied to the support of public libraries and county law libraries in the same manner as is provided by law for penal fines assessed and collected for violation of a penal law of the state.

(2) Subsection (1) is intended to maintain a source of revenue for public libraries which previously received penal fines for misdemeanor violations of this act which are now civil infractions.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979.

DOG LAW OF 1919 (EXCERPTS)

Act 339 of 1919

AN ACT relating to dogs and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the determination and payment of damages done by dogs to live stock and poultry; imposing powers and duties on certain state, county, city and township officers and employes, and to repeal Act No. 347 of the Public Acts of 1917, and providing penalties for the violation of this act.

History: 1919, Act 339, Eff. Aug. 14, 1919.

The People of the State of Michigan enact:

287.286 Penalties; disposition of fines.

Sec. 26. Any person or police officer, violating or failing or refusing to comply with any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall pay a fine not less than \$10.00 nor more than \$100.00, or shall be imprisoned in the county jail for not exceeding 3 months, or both such fine and imprisonment. Any person presenting a false claim, knowing it to be false, or receiving any money on such false claim, shall be guilty of a misdemeanor and upon conviction, shall pay a fine of not less than \$10.00 nor more than \$100.00, or shall be imprisoned in the county jail for not exceeding 3 months, or both such fine and imprisonment. All fines collected under the provisions of this act shall be paid to the treasurer of the county to be credited to the library fund of the county.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5270;—CL 1948, 287.286;—Am. 1969, Act 195, Eff. Mar. 20, 1970.

THE SCHOOL CODE OF 1976 (EXCERPTS)
Act 451 of 1976

AN ACT to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and classify the laws relating to elementary and secondary education; to provide for the classification, organization, regulation, and maintenance of schools, school districts, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, and intermediate school districts; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to provide for and prescribe the powers and duties of certain boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal certain acts and parts of acts.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977.

The People of the State of Michigan enact:

ARTICLE 1

PART 3

SCHOOL DISTRICTS OF THE FOURTH CLASS

380.143 Acquisition of sites or buildings; payment for facilities; sale, exchange, or lease of property; crediting proceeds from sale; dedication or sale of land for highway purposes; taxation of leased real property.

Sec. 143. (1) The board may:

(a) Locate, acquire, purchase, or lease in the name of the school district a site or sites within or without the district for schools, libraries, administration buildings, agricultural farms, athletic fields, and playgrounds.

(b) Purchase, lease, acquire, build, or equip buildings for a school, library, or administration building, or for use in connection with agricultural farms, athletic fields, or playgrounds.

(c) Pay for facilities acquired under subdivisions (a) and (b) from funds of the school district provided for that purpose.

(d) Sell, exchange, or lease real or personal property of the school district which is no longer required for school purposes and give proper deeds or other instruments passing title to the property. Proceeds from the sale of real property shall be credited to accounts of the school district as provided in section 1262.

(e) Dedicate or sell and convey land for highway purposes to the state or an agency or instrumentality of the state, including municipalities and boards of county road commissioners, when the action does not divide the school property into 2 or more separate parcels.

(2) Real property owned by a school district which is leased to a private individual, association, or corporation shall not be exempt from property taxation during the term of the lease.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977.

PART 5

SCHOOL DISTRICTS OF THE SECOND CLASS

380.351 Funds for maintenance of school district or public libraries.

Sec. 351. The board shall receive the funds designated by law to the maintenance of the school district or public libraries and shall use those funds for those purposes. The board may delegate the expenditure of library funds to an executive body constituted by law for the management of the public or school libraries within the city.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977.

PART 7

INTERMEDIATE SCHOOL DISTRICTS

380.671 Criteria for approval of regional educational media centers; operation of educational media centers; "educational media center" defined; purchase, sale, lease, or loan of equipment; disposition of used or surplus equipment.

Sec. 671. (1) The state board shall establish criteria based on state and national guidelines for approving regional educational media centers for initial and continued funding. Among the criteria shall be:

- (a) The establishment of a minimum size for the service area based on pupil enrollment.
- (b) Provision for 2 or more intermediate school districts or parts of intermediate school districts to combine to operate an instructional materials center. The combining intermediate school districts may contract with 1 intermediate school district to administer the center or a cooperative board may be organized.
- (c) The designation of a service area which will provide reasonable and efficient lines of communication between the center and the farthest local school district. In sparsely settled areas of the state where a minimum enrollment requirement would necessitate districts of unwieldy geographical size, satellite or subcenters may be established.
- (d) Provision for the staffing and administration of a center by qualified personnel having a substantial background of training and experience in the selection, use, evaluation, and application of media materials to education.
- (2) An intermediate school board acting singly, or in cooperation with other intermediate school districts, may operate educational media centers to serve public and nonpublic schools in its respective area.
- (3) As used in this section, "educational media center" means a program approved by the state board which provides basic educational services to local school districts which may include:
 - (a) A materials lending library containing 16mm and 8mm motion pictures or improvements thereof with provision for processing and servicing, 35mm slides or improvements thereof, filmstrips, remedial and enrichment programmed instructional materials, disc recordings, and other items.
 - (b) Duplication service to reproduce transparencies, slides, filmstrips, and charts or improvements thereof.
 - (c) Magnetic type duplicating service for audio and video tape.
 - (d) Delivery and dissemination system for materials and services.
 - (e) Professional leadership training services to local school districts for coordination and assistance with proper utilization of materials and services.
 - (f) Acquisition and use of materials that will be coordinated with the curriculum of local school districts.
 - (g) Technical and maintenance service for cooperating districts.
 - (h) Professional, reference, and informational library materials and services.
 - (i) Central purchasing of equipment related to media center activities and use in the local school.
 - (j) Graphics staff to produce transparency masters and charts and to render other production services to teachers.
- (4) An educational media center shall not purchase, sell, grant a lease, or loan for more than 30 days, directly or indirectly, equipment for use by other than a public school, nonpublic school, local school district, intermediate school district, community college district, or publicly funded library or library cooperative. This shall not prohibit the disposition of used or surplus equipment by publicly advertised sale.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1980, Act 157, Imd. Eff. June 12, 1980.

Administrative rules: R 380.1 et seq. of the Michigan Administrative Code.

ARTICLE 2

PART 16

BOARD OF EDUCATION; POWERS AND DUTIES GENERALLY

380.1215 Accounting for moneys; fund designations.

Sec. 1215. (1) Operating taxes shall be accounted for under the title of "general fund". The state board may establish other fund designations to clarify further the expenditure classifications for which general fund moneys may be used.

(2) Library money shall be accounted for under the title of "library fund".

(3) Building and site money shall be accounted for under the title of "building and site fund".

(4) Taxes collected for retiring bonded indebtedness shall be accounted for as required by chapter 7 of Act No. 202 of the Public Acts of 1943, as amended, being sections 137.1 to 137.3 of the Michigan Compiled Laws.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

380.1264 Library or museum; care and management; appointment and salaries of employees; books and apparatus; budget.

Sec. 1264. The board of a school district shall provide for the care and management of a library or museum established in the school district, may appoint librarians and other employees for the library or museum and fix their salaries, may purchase books and apparatus, and may include in the general budget sums necessary for buildings and the maintenance and support of the library or museum.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

PART 17

BONDS AND NOTES

380.1351 Bonds; issuance; purposes; limitation; exceptions.

Sec. 1351. (1) A school district may borrow money and issue bonds of the district to defray all or a part of the cost of purchasing, erecting, completing, remodeling, improving, furnishing, refurnishing, equipping, or reequipping school buildings, including library buildings, structures, athletic fields, playgrounds, or other facilities, or parts thereof or additions thereto; acquiring, preparing, developing, or improving sites, or parts therefor, or additions thereto, for school buildings, including library buildings, structures, athletic fields, playgrounds, or other facilities; purchasing school buses, participating in the administrative costs of an urban renewal program through which the school district desires to acquire a site or addition thereto for school purposes; refunding all or part of existing bonded indebtedness; or accomplishing a combination of the foregoing purposes.

(2) A school district shall not borrow money or issue bonds for a sum which, together with the total outstanding bonded indebtedness of the district, exceeds the greater of 5% of the 1975 state equalized valuation of the taxable property within the district, excluding the 1975 state equalized valuation of property transferred from the district after the 1975 tax levy, or the state equalized valuation of taxable property within the district for the year in which the bonds are issued, unless the proposition of borrowing the money or issuing the bonds is submitted to a vote of the school electors of the district at an annual or special election and approved by the majority of the school electors voting on the question.

(3) A school district shall not issue bonds under this part for an amount greater than 15% of the total assessed valuation of the district, except as provided in section 1356. The bonded indebtedness of a district shall not extend beyond a period of 30 years. Refunding bonds or the refunding part of a bond issue shall not be deemed to be within the 15% limitation but shall be deemed to be authorized in addition thereto. A bond qualified under section 16 of article 9 of the state constitution of 1963 and implementing legislation shall not be included for purposes of calculating the foregoing 15% limitation.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977.

PART 20

LIBRARIES

380.1451 Public library; establishment; tax for support and maintenance.

Sec. 1451. (1) A school district other than a primary school district, by a majority vote of the school electors at an annual or special election, may establish a public library.

(2) The school electors of a school district in which a library is established may vote a district tax for the support of the public library at an annual or special election of the district. The board of the school district may vote a tax for the maintenance and support of the public library.

(3) A tax authorized or voted under this part shall be levied and collected in the same manner as other school district taxes are levied and collected.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

380.1452 Board in charge of library; care of library; persons entitled to use and privileges of library; donation or sale of library books.

Sec. 1452. (1) The board of a school district in which a library is established under this part shall have charge of the library and shall provide the necessary conveniences for the proper care of the library.

(2) Persons residing within the boundaries of a school district in which a library is established shall be entitled to the privileges of the library.

(3) The board of a school district in which a library is established under this part may enter into a contract with a community or body of people outside of the territorial jurisdiction of the board for the use and privileges of the library.

(4) The board of a school district may donate or sell library books belonging to the district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

THE STATE SCHOOL AID ACT OF 1979 (EXCERPTS)

Act 94 of 1979

AN ACT to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to prescribe penalties; and to repeal certain acts and parts of acts.

History: 1979, Act 94, Eff. Oct. 1, 1979.

The People of the State of Michigan enact:

388.1621 Allocations to districts; computations; additional allocations to certain districts; resolution; recommendations for changes; credit for supporting district library; adjustment of state equalization allocations; federal law and regulations applicable to deductions; net allocation as negative amount; limitation on deduction; adjustments; funds not counted; maximum amount of statewide deductions. (Excerpts)

Sec. 21. (1) Except as otherwise provided in this act, from the amount appropriated in section 11, there is allocated to each district an amount per membership pupil sufficient to guarantee the district for 1984-85 a combined state-local yield or gross allowance of \$300.00 plus \$64.00 for each mill of operating tax levied. For purposes of this section, only taxes levied for purposes included in the operation cost of the district as prescribed in section 7 shall be considered operating tax. The net allocation for each district shall be an amount per membership pupil computed by subtracting from the gross allowance guaranteed the district, the product of the district's state equalized valuation behind each membership pupil and the millage utilized for computing the gross allowance.

An additional \$28.00 per pupil in gross allowance shall be allocated to any district that makes available for its pupils in grades 9 to 12 all of the following:

(a) Six classes, each consisting of 50 minutes of classroom instruction or a total of not less than 300 minutes of classroom instruction. This subdivision does not apply to pupils in grade 9 who do not attend classes in the same building as pupils in grades 10 through 12.

(b) Four years of English.

(c) Three years of mathematics.

(d) Three years of science.

(e) Three years of social studies.

(f) Two years of a foreign language, fine or performing arts, or vocational education or practical arts, or any combination thereof.

(g) One year of health, physical education, or both.

(h) Beginning in 1985-86, a ½ year of computer education.

In order to be eligible for the additional \$28.00 per pupil permitted under this subsection, a district shall submit to the department not later than October 1, 1984 a resolution adopted by its board indicating that the district complies with all of the requirements of subdivisions (a) through (g).

Not later than March 1, 1985, the department shall submit to the chairpersons of the senate and house committees on education and appropriations any recommendations for changes in the requirements of subdivisions (a) through (h) for the 1985-86 school year.

(2) A district that supported a district library in 1979-80 and continues to provide support for the district library through a millage levied pursuant to Act No. 164 of the Public Acts of 1955, as amended, being sections 397.271 to 397.276 of the Michigan Compiled Laws, shall be credited, for all computations made under this section, with the amount of millage levied for library purposes, but not to exceed 0.7 mills, if the district levies not more than 0.7 mills less than its authorized operating millage rate.

(3) State equalization allocations to a district shall be adjusted by subtracting therefrom money received under chapter 1124, 64 Stat. 1100, 20 U.S.C. 236 to 244, in the same proportion as the total local revenues covered under the state equalization program are to total local revenues for education in the district, except that not more than \$160.00 per pupil shall be subtracted. The proportion shall be based on prior year revenue and prior year impact aid. A deduction in any year shall not exceed the amount of deductible impact aid for which a district is eligible. Any deductions made under this act shall be consistent with the requirements of section 5 of chapter 1124, 64 Stat. 1100, 20 U.S.C. 240 and its regulations.

(4) If the net allocation computed for a district pursuant to subsection (1) is a negative amount, it shall be applied as a deduction against any funds otherwise due the district under all other sections of this act. However, the deduction made under this subsection shall not exceed 66% in 1984-85 of a district's total state aid entitlement under all other sections of this act after the following adjustments which shall be based upon per pupil or per professional staff member cost in each program:

(a) The categorical allocations for sections 52 and 61 shall be reduced a proportionate amount for nonresident pupils, and the categorical allocation for section 97 shall be reduced a proportionate amount for each professional staff member not an employee of the district.

(b) The categorical allocations for section 52 shall be increased a proportionate amount for pupils enrolled in a program operated by another district or the intermediate district, and the categorical allocation for section 97 shall be increased a proportionate amount for each professional staff member participating in a consortium of districts, or of districts and intermediate districts, where the legal fiscal agency is another district or intermediate district.

(5) Funds due under sections 53 and 143 shall not be counted for purposes of subsection (4).

(6) The statewide deductions made under subsection (4) shall not exceed \$26,000,000.00.

History: 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980;—Am. 1981, Act 36, Eff. Oct. 1, 1981;—Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982;—Am. 1983, Act 169, Eff. Oct. 1, 1983;—Am. 1984, Act 239, Eff. Oct. 1, 1984.

Cited in other sections: Section 388.1621 is cited in §§207.561 and 320.307a.

LIBRARY OF MICHIGAN ACT
Act 540 of 1982

AN ACT to create the library of Michigan; to create a board of trustees for the library; to establish the qualifications of the state librarian; to provide the powers and duties of the board of trustees, the legislative council, the director of the legislative service bureau, the state librarian, and certain state officials and agencies; and to repeal certain acts and parts of acts.

History: 1982, Act 540, Eff. Mar. 30, 1983;—Am. 1983, Act 114, Imd. Eff. July 12, 1983.

The People of the State of Michigan enact:

397.11 Short title.

Sec. 1. This act shall be known and may be cited as the "library of Michigan act".

History: 1982, Act 540, Eff. Mar. 30, 1983.

397.12 Definitions.

Sec. 2. As used in this act:

- (a) "Board" means the board of trustees of the library created in section 4.
- (b) "Council" means the legislative council established under section 15 of article IV of the state constitution of 1963.
- (c) "Director" means the director of the legislative service bureau.
- (d) "Library" means the library of Michigan.

History: 1982, Act 540, Eff. Mar. 30, 1983;—Am. 1983, Act 114, Imd. Eff. July 12, 1983.

397.13 Library of Michigan; creation within legislative council.

Sec. 3. The library of Michigan is created within the legislative council.

History: 1982, Act 540, Eff. Mar. 30, 1983;—Am. 1983, Act 114, Imd. Eff. July 12, 1983.

397.14 Library board of trustees; creation; duties; meetings; membership; terms; rules; election of chairperson and vice-chairperson; expenses; state librarian as secretary of board.

Sec. 4. (1) A board of trustees of the library is created within the legislative branch of state government. The board shall make budget recommendations to the council to be submitted to the house and senate appropriations committees as part of the total budget recommendations for the legislative council, and shall make recommendations to the council on the following matters:

- (a) The services the library shall provide.
 - (b) The manner in which the services shall be provided.
 - (c) Other matters of general policy concerning the library.
- (2) The board shall meet not less than 3 times per year, including a meeting to be held in January of each year. The board shall meet also at the call of the chairperson of the board.
- (3) The board shall consist of the following:
- (a) Three legislators appointed by the council, not less than 1 of whom shall be a member of a minority party.
 - (b) A representative of the Michigan library association to be appointed by the governor from a list of 3 persons nominated by the Michigan library association.
 - (c) Two members of the general public who represent users of the state library to be appointed by the governor.
 - (d) One member who is a librarian from a college or university library to be appointed by the governor.
 - (e) One member who is a librarian from a public or private K to 12 system to be appointed by the governor.
 - (f) Two members who are librarians from public libraries to be appointed by the governor.
 - (g) One member who is a librarian from a special library to be appointed by the governor.
 - (h) One member who is a librarian from a state agency library to be appointed by the governor.
 - (i) The chief justice of the supreme court or a designee of the supreme court.
 - (j) The director of the legislative service bureau.
- (4) Members appointed to the board by the council shall hold office for a term of 2 years to coincide with the terms of office of state representatives. Members appointed to the board by the governor shall hold office for a term of 3 years except that of the members first appointed, 3 shall be appointed for 3 years, 3 for 2 years, and 3 for 1 year.

(5) The board shall prescribe rules for its own procedure. Annually, the board shall elect from its membership a chairperson and vice-chairperson. Members shall serve without compensation but shall be entitled to reasonable and necessary expenses incurred in the discharge of their duties.

(6) The state librarian shall serve as secretary of the board.

History: 1982, Act 540, Eff. Mar. 30, 1983;—Am. 1983, Act 114, Imd. Eff. July 12, 1983.

397.15 Appointment of state librarian.

Sec. 5. The council, in consultation with the board, shall appoint a state librarian who shall serve at the pleasure of the council.

History: 1982, Act 540, Eff. Mar. 30, 1983;—Am. 1983, Act 114, Imd. Eff. July 12, 1983.

397.16 State librarian; duties; coordination of library activities; qualifications of state librarian and assistant state librarian.

Sec. 6. (1) The state librarian shall have care and charge of the library, the administrative functions of the library, and all budgeting functions of the library. The director and state librarian shall coordinate the activities of the library with the legislative council.

(2) The state librarian shall be a graduate with a master's degree in library science and shall have not less than 4 years' experience in library work in an administrative capacity. Each assistant state librarian shall be a graduate with a master's degree in library science.

History: 1982, Act 540, Eff. Mar. 30, 1983;—Am. 1983, Act 114, Imd. Eff. July 12, 1983.

397.17 Employment of assistants and other employees.

Sec. 7. The council, after consultation with the board, may permit the state librarian to employ other administrative and general assistants and employees as are necessary for the care and management of the library, including the law library branch of the library. Employment shall be offered first to those persons who are employed by the state library on March 30, 1983. No library employee shall convert for personal or partisan use, unrelated to library business, any supplies, services, facilities or staff provided by the state of Michigan. Nor may a library employee be required to work during paid or unpaid time to affect the result of an election.

History: 1982, Act 540, Eff. Mar. 30, 1983;—Am. 1983, Act 114, Imd. Eff. July 12, 1983.

397.18 Property of library.

Sec. 8. The library shall succeed to the furnishings, building space, records, files, books, documents, and all other property in the possession of the state library on the effective date of this act.

History: 1982, Act 540, Eff. Mar. 30, 1983.

397.19 Library as depository for public documents; exemptions.

Sec. 9. (1) The library shall serve as a depository for each public document issued by a state official, department, board, commission, or agency. Not less than 75 copies of each document or 1 copy in the proper format as determined by the state librarian which is not issued solely for the use of a state official, department, board, commission, or agency shall be furnished to the library. Additional copies of those documents shall be supplied upon the request of the state librarian.

(2) A publication of a school, college, division, or department of a state supported college or university is exempt from the depository requirements of subsection (1), except that 2 copies of each publication shall be deposited in the library.

(3) A publication of a state supported college or university press, directive for internal administration, an intraoffice or interoffice memorandum, a state form, or other correspondence is exempt from the depository requirements of subsection (1).

History: 1982, Act 540, Eff. Mar. 30, 1983;—Am. 1983, Act 114, Imd. Eff. July 12, 1983.

397.20 Duties of library.

Sec. 10. (1) The library shall maintain a complete collection of the public documents deposited under section 9 as a permanent reference file. The library is charged primarily with providing reference services to the legislative branch of state government and, in addition, shall provide those services to the executive and judicial branches of state government and the general public. The law library branch is charged primarily with providing reference services to the legislative, executive and judicial branches of state government.

(2) The library shall deposit copies of each public document deposited under section 9 in each designated depository library. The depository libraries shall be designated by the state librarian. The state librarian shall designate only

those libraries which will keep the documents readily accessible for use and which will render assistance for the use of the documents without charge.

(3) The library also shall:

(a) Send 1 copy of each public document deposited under section 9 to the library of congress.

(b) Prepare and issue quarterly, a complete list of public documents deposited under section 9 during the immediately preceding quarter. The lists shall be cumulated and printed at the end of each calendar year. A copy shall be distributed by the library to state departments, legislators, and to public and college libraries within the state.

(c) Establish a document exchange system with agencies in other states to make available selected documents published by other states for use by the people of this state.

(d) Exchange the judicial decisions, statutes, journals, legislative and executive documents of this state, and other books placed in the care of the library for the purpose of exchange with the libraries of other states, the government of the United States, foreign countries, and societies and institutions.

(e) Sell or exchange duplicate volumes or sets of works not needed for use in the library and apply the proceeds to the purchase of other books for the library.

(f) Further, by all appropriate means, the development of effective, statewide school library services.

(g) Encourage contractual and cooperative arrangements between and among all kinds of libraries for the improvement of library services to the people of this state.

(h) Coordinate the library's library services with the library services of all kinds of libraries.

(i) Collect, preserve, and publish appropriate statistics on all kinds of libraries in the state.

(j) Conduct research and publish the results for the benefit of all kinds of libraries and the library services to the people of the state.

(k) Provide all services which the state library was authorized to provide immediately preceding the effective date of this act.

(l) Under the authority granted by law, promote and advance library science in this state.

History: 1982, Act 540, Eff. Mar. 30, 1983;—Am. 1983, Act 114, Imd. Eff. July 12, 1983.

397.21 Annual report of state librarian.

Sec. 11. The state librarian shall report annually to the council and to the legislature on the operations of the library and on the progress made in automating the operations of the library.

History: 1982, Act 540, Eff. Mar. 30, 1983.

397.22 Repeal of §§397.51 to 397.59, 397.1 to 397.8, and 16.409.

Sec. 12. The following acts or parts of acts are repealed:

(a) Act No. 28 of the Public Acts of 1895, being sections 397.51 to 397.59 of the Compiled Laws of 1970.

(b) Act No. 106 of the Public Acts of 1937, being sections 397.1 to 397.8 of the Compiled Laws of 1970.

(c) Section 309 of Act No. 380 of the Public Acts of 1965, being section 16.409 of the Compiled Laws of 1970.

History: 1982, Act 540, Eff. Mar. 30, 1983.

397.23 Act repealed effective October 1, 1986.

Sec. 13. Effective October 1, 1986, this act is repealed.

History: 1982, Act 540, Eff. Mar. 30, 1983.

397.24 Conditional effective date.

Sec. 14. This act shall not take effect unless Senate Bill No. 201 of the 81st Legislature is enacted into law.

History: 1982, Act 540, Eff. Mar. 30, 1983.

Compiler's note: Senate Bill No. 201, referred to in this section, was approved by the Governor on January 17, 1983, and became P.A. 1982, No. 541, Eff. Mar. 30, 1983.

DISTRIBUTION OF PENAL FINES TO PUBLIC LIBRARIES

Act 59 of 1964

AN ACT to provide for the distribution of penal fines and their application to the support of public libraries; to provide for the appointment of a county library board to receive penal fines; to define its powers and duties; and to repeal certain acts and parts of acts.

History: 1964, Act 59, Imd. Eff. May 12, 1964.

The People of the State of Michigan enact:

397.31 Public libraries; definitions.

Sec. 1. As used in this act: (a) "Public library" means a library, the whole interests of which belong to the general public, lawfully established for free public purposes by any 1 or more counties, cities, townships, villages, school districts or other local governments or any combination thereof, or by any general or local act, but shall not include a special library such as a professional or technical library or a school library.

(b) "Qualified public library" means any public library which is open to and available to the public at least 10 hours per week or any library which has a contract with a public library board to furnish library services to the public.

History: 1964, Act 59, Imd. Eff. May 12, 1964.

Cited in other sections: Section 397.31 is cited in §24.2.

397.32 Penal fines; apportionment to county library boards.

Sec. 2. The proceeds of all fines for any breach of the penal laws of this state when collected in any county and paid into the county treasury, together with all moneys heretofore collected and paid into the county treasury on account of such fines and not already apportioned, shall be apportioned by the county treasurer in accordance with the directions of the state board for libraries, as provided in section 8, before August 1 of each year among those public libraries and county libraries established under Act No. 138 of the Public Acts of 1917, as amended, being sections 397.301 to 397.305 of the Compiled Laws of 1948, or Act No. 250 of the Public Acts of 1931, as amended, being sections 397.151 to 397.158 of the Compiled Laws of 1948, or county library boards in each county entitled to such fines under this act on a per capita basis determined by the population of the governmental unit supporting the library according to the latest decennial or special federal census.

History: 1964, Act 59, Imd. Eff. May 12, 1964.

397.33 County library board; duties; membership, appointment, terms; contracts for service.

Sec. 3. In any county where there is no public library, or in any county within the boundaries of which there are municipalities which have not established public library service or which do not maintain public libraries, the county board of supervisors shall appoint a county library board to receive the per capita portion of penal fine moneys to be allocated for such areas. The county library board shall consist of 5 members appointed by the county board of supervisors for terms of 5 years each, except that the first members shall be appointed for 1, 2, 3, 4 and 5 years respectively. The board may contract with a qualified public library, within or without the county, to provide public library service for all residents of the county without legal access to a public library.

History: 1964, Act 59, Imd. Eff. May 12, 1964.

397.34 County library board; powers as to new library.

Sec. 4. If, after the appointment of the county library board, the board of supervisors votes to establish a public library as authorized by Act No. 138 of the Public Acts of 1917, as amended, then the county library board appointed under section 3 shall become the governing body of the county library. In addition to the powers and duties granted in Act No. 138 of the Public Acts of 1917, as amended, the county library board shall have all of the powers and duties granted to county library boards by this act.

History: 1964, Act 59, Imd. Eff. May 12, 1964.

397.35 County contracting for service; apportionment of funds; more than 1 public library.

Sec. 5. (1) If any municipality within a county has not established a public library but is contracting for public library service with the governing body of a legally established public library, it is entitled to receive its per capita share of the penal fine moneys the same as if it had a legally established public library. The moneys shall be used for the provision of public library service for all residents of the municipality.

(2) If any municipality within a county is supporting more than 1 public library, the penal fines shall be allocated to each public library in ratio to the tax support provided by the municipality to the respective public libraries.

History: 1964, Act 59, Imd. Eff. May 12, 1964.

397.36 Use of penal fine moneys; report.

Sec. 6. The penal fine moneys when received by the proper authorities shall be applied exclusively to the support of public libraries and to no other purpose except as provided in section 7. A report shall be made annually to the state board for libraries as to the receipt and expenditures of the penal fine moneys, and other public moneys, by the governing boards of the public libraries or by the county library boards.

History: 1964, Act 59, Imd. Eff. May 12, 1964.

397.37 Construction of act as to county law libraries.

Sec. 7. This act shall not be construed as affecting the provisions of sections 4845 and 4851 of Act No. 236 of the Public Acts of 1961, being sections 600.4845 and 600.4851 of the Compiled Laws of 1948.

History: 1964, Act 59, Imd. Eff. May 12, 1964.

397.38 Statement of eligible libraries.

Sec. 8. The state board for libraries, prior to July 15 of each year, shall transmit to the clerk and treasurer of each county a statement of the public libraries or the library boards established under section 3 in his county that are entitled to receive penal fines and the population served by each.

History: 1964, Act 59, Imd. Eff. May 12, 1964.

Cited in other sections: Section 397.38 is cited in §397.212.

397.39 Rules and regulations.

Sec. 9. The state board for libraries may adopt such rules and regulations to carry out the provisions of this act as may be deemed expedient, in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.82 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948.

History: 1964, Act 59, Imd. Eff. May 12, 1964.

397.40 Repeal.

Sec. 10. Sections 906, 910, 911, 912, 913 and 915 of Act No. 269 of the Public Acts of 1955, as amended, being sections 340.906, 340.910, 340.911, 340.912, 340.913 and 340.915 of the Compiled Laws of 1948, are repealed.

History: 1964, Act 59, Imd. Eff. May 12, 1964.

FEDERAL FUNDS FOR LIBRARY CONSTRUCTION
Act 234 of 1964

AN ACT to make appropriations to supplement former appropriations for certain state agencies and special purposes for the fiscal year ending June 30, 1964; and to declare the intent of the act.

History: 1964, Act 234, Imd. Eff. May 27, 1964.

The People of the State of Michigan enact:

397.126 Library construction; federal funds; report.

Sec. 6. The state library is hereby authorized to accept, and use, federal funds for library construction under the provisions of Title II, P.L. 88-269, subject to the approval of the department of administration. A detailed report shall be submitted to the legislature not later than January 31 of each year.

History: 1964, Act 234, Imd. Eff. May 27, 1964.

LIBRARY NETWORK ACT OF 1971
Act 371 of 1972

AN ACT to establish a library network and to prescribe the duties and qualifications of libraries in networks.

History: 1972, Act 371, Imd. Eff. Jan. 9, 1973.

The People of the State of Michigan enact:

397.131 Short title.

Sec. 1. This act shall be known and may be cited as the "library network act of 1971".

History: 1972, Act 371, Imd. Eff. Jan. 9, 1973.

397.132 "Library network" defined; administrative leadership.

Sec. 2. As used in this act "library network" means the connecting of the largest research libraries in the state for the express purpose of making their collections available to all citizens in the state through interlibrary loan. The state library shall assume administrative leadership in this network concept and shall designate participating libraries.

History: 1972, Act 371, Imd. Eff. Jan. 9, 1973.

397.133 Eligibility of library for membership in network; connection to state library; agreement.

Sec. 3. A library shall maintain a collection of at least 1,000,000 volumes in order to be eligible for membership in the network. A library shall be connected to the state library by means of electronic equipment and shall agree to supply for interlibrary loan any volume in its collection, not in use, except rare volumes, reference works, books on reserve for course work, volumes of serials, fragile materials, and all other library materials which are not loaned under its regulations.

History: 1972, Act 371, Imd. Eff. Jan. 9, 1973.

397.134 Administration of interlibrary loan service.

Sec. 4. The state library in Lansing shall administer the interlibrary loan service for the state.

History: 1972, Act 371, Imd. Eff. Jan. 9, 1973.

397.135 Application for inclusion in network.

Sec. 5. A library meeting the requirements specified for inclusion in the network shall apply to the state board of education, indicating its compliance with the provisions of this act.

History: 1972, Act 371, Imd. Eff. Jan. 9, 1973.

397.136 Rules.

Sec. 6. The state board of education may promulgate rules for administration of this act in accordance with and subject to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Compiled Laws of 1948.

History: 1972, Act 371, Imd. Eff. Jan. 9, 1973.

REGIONAL LIBRARIES

Act 250 of 1931

AN ACT to provide for the establishment and maintenance of regional libraries; to provide for boards of trustees to have control of such libraries; to provide for the powers and duties of the state board for libraries in connection with such libraries; and to provide for the support of such libraries by counties.

History: 1931, Act 250, Eff. Sept. 18, 1931;—Am. 1961, Act 116, Eff. Sept. 8, 1961.

The People of the State of Michigan enact:

397.151 Regional libraries; plan for establishment and location.

Sec. 1. The state board for libraries shall develop a plan for the establishment and location of regional libraries throughout the state based on a detailed survey of the needs of the various localities of the state. A region shall include 2 or more counties.

History: 1931, Act 250, Eff. Sept. 18, 1931;—CL 1948, 397.151;—Am. 1961, Act 116, Eff. Sept. 8, 1961.

Cited in other sections: Sections 397.151 to 397.158 are cited in §397.32.

Cross-references: As to distribution of penal fines to public libraries, see §397.31 et seq. As to federal funds for library construction, see §397.126. As to libraries under boards of education, see §397.261 et seq. As to privately owned public libraries, see §397.371. As to library commissions, see §397.401 et seq. As to state library for blind, see §397.491 et seq. As to state aid to public libraries act of 1965, see §397.501 et seq.

397.152 Proposal to establish regional libraries; referral to county board of supervisors.

Sec. 2. On completion of the survey of any proposed region, the proposal to establish a regional library shall be referred to the boards of supervisors of all counties included in such proposed region. The boards of supervisors shall act upon such proposal by resolution, and the votes of a majority of the members-elect of the board of supervisors in each of the counties included in the proposed region shall be necessary for the adoption of such proposal. In case of the rejection of such proposal by the boards of supervisors of any of the counties included in such proposed region, the plan may be altered in accordance with such action in order to provide for a regional library in such section of the state. The vote of a majority of the members-elect of the board of supervisors in each of the counties in such altered region shall be necessary for the adoption of such proposal.

History: 1931, Act 250, Eff. Sept. 18, 1931;—CL 1948, 397.152;—Am. 1961, Act 116, Eff. Sept. 8, 1961.

397.153 Board of trustees; membership, appointment, term, vacancies, expenses.

Sec. 3. Upon the adoption of the regional library proposal, each board of supervisors shall name members to a library board, the members to be chosen from the citizens at large of each county with reference to their fitness for office. Not more than 1 member of the board of supervisors of each county shall be at any one time a member of said library board. Each county shall be entitled to 2 members on the regional library board, the members to be appointed for a term of 4 years each, except that the first members shall be appointed, 1 for 2 years and 1 for 4 years, or until their successors have been appointed. In the case of only 2 counties joining in the regional library, the library board shall consist of not more than 4 members from each county, each for a term of 4 years, except that the first members shall be appointed, 2 for 2 years and 2 for 4 years, or until their successors have been appointed. Vacancies in the board of trustees shall be filled in like manner as the original appointments. Members of the board of trustees shall receive no compensation except their actual and necessary expenses.

History: 1931, Act 250, Eff. Sept. 18, 1931;—Am. 1947, Act 159, Eff. Oct. 11, 1947;—CL 1948, 397.153;—Am. 1961, Act 116, Eff. Sept. 8, 1961.

397.154 Repealed. 1961, Act 116, Eff. Sept. 8, 1961.

Compiler's note: The repealed section provided for regional librarian and set forth qualifications.

397.155 Board of trustees; powers.

Sec. 5. The board of trustees of each regional library so established shall have the following powers:

- (a) To establish, maintain and operate a public library for the region.
- (b) To appoint a professionally qualified librarian, and the necessary assistants, and to fix their compensation. Said board shall also have the power to remove said librarian and other assistants.
- (c) To purchase books, periodicals, equipment and supplies.
- (d) To purchase sites and erect buildings, or to lease suitable quarters, and to have supervision and control of such property.
- (e) To borrow books from and lend books to other libraries.
- (f) To enter into contracts to receive service from or give service to libraries within or without the region and to give service to municipalities without the region which have no libraries.

(g) To have exclusive control of the expenditure of all moneys collected to the credit of the library fund.

(h) To make such bylaws, rules and regulations not inconsistent with this act as may be expedient for their own government and that of the library.

History: 1931, Act 250, Eff. Sept. 18, 1931;—CL 1948, 397.155;—Am. 1961, Act 116, Eff. Sept. 8, 1961.

397.156 Appropriation for regional libraries; budget, disbursement.

Sec. 6. Sums necessary for the establishment and operation of regional libraries shall be provided by the boards of supervisors of each of the counties included in such region by an appropriation from the general fund of the respective counties, or by a tax levy for this purpose authorized by a vote of the qualified electors in each of the counties. A budget shall be proposed annually by the board of trustees of the regional library to the boards of supervisors of the counties in the region. Upon approval of such budget by a majority of each of said boards of supervisors, the proposed budget shall be effective in all counties in the region. All appropriations shall be paid to the board of trustees and disbursed under its direction by the county treasurer of the county designated by the regional library board as depository for the regional library fund.

History: 1931, Act 250, Eff. Sept. 18, 1931;—Am. 1945, Act 20, Eff. Sept. 6, 1945;—Am. 1947, Act 159, Eff. Oct. 11, 1947;—CL 1948, 397.156;—Am. 1956, Act 149, Eff. Aug. 11, 1956;—Am. 1961, Act 116, Eff. Sept. 8, 1961.

397.157 Cities exempt from act; notification when included in proposal.

Sec. 7. Cities of a population of 5,000 or more, maintaining a public library, may be exempted from the provisions of this act on the filing with the state board for libraries of a request by the city legislative body based on action taken by them according to law. Where any such city is included in any regional library proposal the state board for libraries shall notify each city so included in writing of the provisions of this section 15 days before the reference of any regional library proposal under the provisions of section 2.

History: 1931, Act 250, Eff. Sept. 18, 1931;—Am. 1945, Act 20, Eff. Sept. 6, 1945;—CL 1948, 397.157;—Am. 1961, Act 116, Eff. Sept. 8, 1961.

397.158 Municipal libraries; transfer to regional libraries.

Sec. 8. After the establishment of a regional library as provided for in this act, the township board, the legislative body of any city or village, the board of education of any school district or the board of supervisors of any municipality in the region, already maintaining a public, school or county library, may notify the board of trustees of the regional library that such township, city, village, school district or county library may be transferred to, leased to, or used by said board of trustees of the regional library under such terms as may mutually be agreed upon between the said board of trustees and the respective township boards, city or village legislative bodies, boards of education or boards of supervisors.

History: 1931, Act 250, Eff. Sept. 18, 1931;—CL 1948, 397.158.

397.159 Repealed. 1961, Act 116, Eff. Sept. 8, 1961.

Compiler's note: The repealed section authorized state librarian to establish rules and regulations he deemed necessary.

CITY, VILLAGE, AND TOWNSHIP LIBRARIES
Act 164 of 1877

AN ACT to authorize cities, incorporated villages, and townships to establish and maintain, or contract for the use of, free public libraries and reading rooms.

History: 1877, Act 164, Eff. Aug. 21, 1877;—Am. 1984, Act 128, Imd. Eff. June 1, 1984.

The People of the State of Michigan enact:

397.201 City libraries; establishment by city council, library fund.

Sec. 1. That the city council of each incorporated city shall have power to establish and maintain a public library and reading room, for the use and benefit of the inhabitants of such city, and may levy a tax of not to exceed 1 mill on the dollar annually on all the taxable property in the city, such tax to be levied and collected in like manner with other general taxes of said city, and to be known as the "library fund."

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5175;—CL 1897, 3449;—CL 1915, 3431;—CL 1929, 8059;—CL 1948, 397.201.

Cross-references: As to township and school district libraries, see §340.901 et seq. As to incorporation of libraries, see §450.691 et seq. As to maliciously injuring or mutilating library books, see §750.391. As to township and village libraries, see §397.321 et seq. As to borrowing power, see §131.1 et seq. and §397.321 et seq. As to local library as depository of historical records, see §399.5.

397.202 Board of directors; members, qualifications.

Sec. 2. When any city council shall have decided to establish and maintain a public library and reading room under this act, the mayor of such city shall, with the approval of the city council, proceed to appoint a board of 5 directors for the same, chosen from the citizens at large, with reference to their fitness for such office, and not more than 1 member of the city council shall be at any 1 time a member of said board.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5176;—CL 1897, 3450;—CL 1915, 3432;—CL 1929, 8060;—Am. 1931, Act 248, Eff. Sept. 18, 1931;—CL 1948, 397.202.

397.203 Board of directors; appointment, terms, removal.

Sec. 3. The offices of boards of directors heretofore appointed under this act, consisting of 9 members, are hereby declared vacant on July 1, 1932, and a board of 5 directors to succeed them or a board of directors of 5 members for a library newly established hereunder shall be first appointed as follows: 1 director shall be appointed for a term of 5 years, 1 director shall be appointed for a term of 4 years, 1 director shall be appointed for a term of 3 years, 1 director shall be appointed for a term of 2 years, 1 director shall be appointed for a term of 1 year, and annually thereafter the mayor shall appoint 1 member of such board of directors for a term of 5 years. The mayor may, by and with the consent of the city council, remove any director for misconduct or neglect of duty.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5177;—CL 1897, 3451;—CL 1915, 3433;—CL 1929, 8061;—Am. 1931, Act 248, Eff. Sept. 18, 1931;—CL 1948, 397.203.

397.204 Board of directors; vacancies, compensation.

Sec. 4. Vacancies in the board of directors occasioned by removals, resignation or otherwise, shall be reported to the city council, and be filled in like manner as original appointments, and no director shall receive compensation as such.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5178;—CL 1897, 3452;—CL 1915, 3434;—CL 1929, 8062;—CL 1948, 397.204.

Compiler's note: The word "occasioned" in this section should read "occasional."

397.205 Board of directors; officers, powers and duties; library fund, expenditures, accounting.

Sec. 5. Said directors shall, immediately after appointment, meet and organize, by the election of 1 of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules, and regulations for their own guidance and for the government of the library and reading room, as may be expedient, not inconsistent with this act. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose: Provided, That all moneys received for such library shall be deposited in the treasury of said city to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, and drawn upon by the proper officers of said city, upon the properly authenticated vouchers of the library board. Said board shall have power to purchase or lease grounds, to occupy, lease, or erect an appropriate building or buildings for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation; and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of this act in establishing and maintaining a public library and reading room.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5179;—CL 1897, 3453;—CL 1915, 3435;—CL 1929, 8063;—CL 1948, 397.205.

397.206 City library; free use; regulations.

Sec. 6. Every library and reading room established under this act shall be forever free to the use of the inhabitants where located, always subject to such reasonable rules and regulations as the library board may adopt; and said board may exclude from the use of said library and reading room any and all persons who shall wilfully violate such rules.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5180;—CL 1897, 3454;—CL 1915, 3436;—CL 1929, 8064;—CL 1948, 397.206.

397.207 Board of directors; annual report, contents.

Sec. 7. The said board of directors shall make, at the end of each and every year from and after the organization of such library, a report to the city council, stating the condition of their trust at the date of such report the various sums of money received from the library fund and from other sources, and how such moneys have been expended, and for what purposes; the number of books and periodicals on hand; the number added by purchase, gift, or otherwise during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books, with such other statistics, information, and suggestions as they may deem of general interest. All such portions of said report as relate to the receipt and expenditure of money, as well as the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5181;—CL 1897, 3455;—CL 1915, 3437;—CL 1929, 8065;—CL 1948, 397.207.

397.208 City library; injury to property, ordinances, penalties.

Sec. 8. The city council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds or other property thereof, or for wilful injury to or failure to return any book belonging to such library.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5182;—CL 1897, 3456;—CL 1915, 3438;—CL 1929, 8066;—CL 1948, 397.208.

Cross-references: As to maliciously injuring or mutilating library books, see §750.391.

397.209 City library; donations, acceptance.

Sec. 9. Any person desiring to make donations of money, personal property, or real estate for the benefit of such library, shall have the right to vest the title to money or real estate so donated in the board of directors created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise, or bequest of such property; and as to such property, the said board shall be held and considered to be special trustees.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5183;—CL 1897, 3457;—CL 1915, 3439;—CL 1929, 8067;—CL 1948, 397.209.

397.210 Village or township library; petition for tax; referendum; estimate of cost of maintenance, assessment.

Sec. 10. When 50 voters of any incorporated village or township shall present a petition to the clerk of the village or township, asking that a tax may be levied for the establishment of a free public library in such village or township, and shall specify in their petition the rate of taxation, not to exceed 1 mill on the dollar, such clerk shall, in the next legal notice of the regular annual election in such village or township, give notice that at such election every voter may vote for a mill tax for a free public library, or against a mill tax for a free public library, specifying in such notice the rate of taxation mentioned in such petition; and if the majority of all the votes cast in such village or township shall be for the tax for a free public library, the tax specified in such notice shall be levied and collected in like manner with other general taxes of said village or township, and shall be known as the library fund, and when such free public library shall have been established and a board of directors elected and qualified, as hereinafter provided, it shall be the duty of such board of directors on or before the first Monday of September in each year, where it has been voted to establish a free public library by a township, and on or before the second Monday in April, where it has been voted to establish a free public library by an incorporated village, to prepare an estimate of the amount of money necessary for the support and maintenance of such library for the ensuing year, not exceeding 1 mill on the dollar of the taxable property of the village or township, and report such estimate to the assessor of such village or the supervisors of such township for assessment and collection, the same as other village or township taxes, and the same shall be so assessed and collected; and the corporate authorities of any such villages or townships may exercise the same powers conferred upon the corporate authorities of cities under this act.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5184;—Am. 1885, Act 36, Eff. Sept. 19, 1885;—CL 1897, 3458;—Am. 1907, Act 42, Imd. Eff. Apr. 11, 1907;—CL 1915, 3440;—CL 1929, 8068;—CL 1948, 397.210.

397.210a Free public library in city; establishment; petition for tax; notice; form of ballot; library fund; preparing and reporting estimate of money necessary for support and maintenance.

Sec. 10a. If 50 voters of a city present a petition to the clerk of the city, asking that a tax be levied for the establishment of a free public library in that city, and specify in the petition a rate of taxation not to exceed 1 mill on the dollar, the clerk shall in the next legal notice of the regular annual election in that city, give notice that at the regular annual election every voter may vote upon the proposition. The notice shall specify the rate of taxation mentioned in the petition. The form of the ballot shall be as follows:

"For a mill tax for a free public library, Yes[]

For a mill tax for a free public library, No[]."

If a majority of all the votes cast in the city upon the proposition is for the tax for a free public library, the tax specified in the notice shall be levied and collected in the same manner as other general taxes of that city, and shall be placed in a fund to be known as the "library fund". When the free public library has been established under this section, and a board of directors elected and qualified as provided in section 11, the board of directors on or before the first Monday in September in each year shall prepare an estimate of the amount of money necessary for the support and maintenance of the free public library for the ensuing year, not exceeding 1 mill on the dollar of the taxable property of the city. The board of directors shall report the estimate to the legislative body of the city. The legislative body shall cause to be raised by tax upon the taxable property in the city the amount of the estimate in the same manner that other general taxes are raised in the city.

History: Add. 1911, Act 178, Eff. Aug. 1, 1911;—CL 1915, 3441;—CL 1929, 8069;—Am. 1931, Act 248, Eff. Sept. 18, 1931;—CL 1948, 397.210a;—Am. 1980, Act 521, Eff. Mar. 31, 1981.

397.210b Free public library established in township or village incorporated as city; continuation of library board, library, and tax.

Sec. 10b. If a township or village in which a free public library has been established pursuant to section 10 is incorporated in its entirety as a city, the library board of the free public library shall continue in office and the free public library shall continue in existence and be governed by the provisions of section 10a as if the free public library had originally been established as a free public library under section 10a. Any tax previously authorized pursuant to this act for the support of the free public library shall continue in effect after the incorporation and shall then be assessed and collected on the taxable property in the city as provided in section 10a.

History: Add. 1982, Act 486, Imd. Eff. Oct. 7, 1982.

397.211 Library board of city, village, or township; establishment; provisional and permanent; director; vacancy; powers of library board.

Sec. 11. (1) Immediately after a city, a village, or a township has voted to establish a free public library, a library board shall be established by the city, village, or township as prescribed in subsections (3) and (4).

(2) A city, village, or township that has a free public library and if a library board has not been elected, including a city library and board of directors established under sections 1 to 10, the city, village, or township shall establish a library board as prescribed in subsections (3) and (4).

(3) The legislative body of a city, village, or township described in subsection (1) or (2) shall appoint a provisional library board of 6 directors who shall hold office until the next annual or biennial city or village election, or township election of a permanent library board.

(4) A permanent library board shall be established for a city, village, or township described in subsection (1) or (2) as follows:

(a) In a city or village holding an annual election, 6 directors shall be elected. Two directors shall be elected for a term of 1 year; 2 for 2 years; and 2 for 3 years. Each year thereafter, 2 directors shall be elected for 3-year terms.

(b) In a city or village that holds biennial elections, 6 directors shall be elected. Two directors shall be elected for a term of 2 years; 2 for 4 years; and 2 for 6 years. Biennially thereafter, 2 directors shall be elected for 6-year terms.

(c) In a township holding elections for township officers every 4 years, 6 directors shall be elected for 4-year terms at the primary and general elections in 1984. A term of office shall not be shortened by the provisions of this subdivision. A director scheduled by this section before March 31, 1981, to be elected at a time other than 1984 shall not be elected on the date scheduled, but shall continue in office until a successor takes office pursuant to the election of 1984. A candidate for township library director shall file nomination petitions bearing signatures of a number of registered and qualified electors of the township equal to not less than 1% nor more than 4% of the total number of votes cast for the office of supervisor in the township in the last election in which a supervisor was elected. All provisions of Act No. 116 of the Public Acts of 1954, being sections 168.1 to 168.992 of the Michigan Compiled Laws, shall govern the circulation and filing of nonpartisan nominating petitions and the conduct of nonpartisan election. For the 1984 election either partisan or nonpartisan nominating petition forms shall be accepted by the township clerk from a candidate for library director.

(d) The directors shall be nominated and elected on nonpartisan ballots.

(5) A director shall hold office until a successor is elected and qualified.

(6) A library board shall fill a vacancy in a directorship by appointment of a person to hold office until the next election.

(7) A provisional or permanent library board has the powers prescribed in section 5.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5185;—CL 1897, 3459;—Am. 1905, Act 67, Eff. Sept. 16, 1905;—CL 1915, 3442;—CL 1929, 8070;—Am. 1931, Act 248, Eff. Sept. 18, 1931;—Am. 1945, Act 60, Imd. Eff. Mar. 28, 1945;—CL 1948, 397.211;—Am. 1978, Act 130, Imd. Eff. May 4, 1978;—Am. 1980, Act 114, Imd. Eff. May 14, 1980;—Am. 1980, Act 521, Eff. Mar. 31, 1981;—Am. 1954, Act 138, Imd. Eff. June 1, 1984.

Cited in other sections: Section 397.211 is cited in § 168.353.

397.212 Applicability of §§ 397.210a and 397.211; exception; organization of existing public library under § 397.210a.

Sec. 12. Except as otherwise provided in section 10b, sections 10a and 11 do not apply to a city, village, or township maintaining a public library under a special act or to a public library contained in the 1979 statement prepared by the state board for libraries pursuant to section 8 of Act No. 59 of the Public Acts of 1964, being section 397.38 of the Michigan Compiled Laws. However, an existing public library may, by petition, be organized under section 10a regardless of the library's original organization.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5186;—CL 1897, 3460;—CL 1915, 3443;—CL 1929, 8071;—CL 1948, 397.212;—Am. 1978, Act 130, Imd. Eff. May 4, 1978;—Am. 1980, Act 521, Eff. Mar. 31, 1981;—Am. 1982, Act 286, Imd. Eff. Oct. 7, 1982.

397.213 Use of library services by adjacent township, village, or city; contract; payment.

Sec. 13. (1) Notwithstanding a contrary city, village, or township charter provision, a township, village, or city adjacent to a township, village, or city which supports a free public circulating library and reading room under this act may contract for the use of library services with that adjacent township, village, or city.

(2) A township, city, or village may pay for the use of library services contracted for under subsection (1) by levying a tax not to exceed 1 mill of its state equalized valuation, by use of money from the municipality's general fund, or with money received under Act No. 59 of the Public Acts of 1964, being sections 397.31 to 397.40 of the Michigan Compiled Laws. A tax shall not be levied under this section unless a majority of the electors of the municipality voting on the question vote in favor of the tax.

History: Add. 1903, Act 19, Eff. Sept. 17, 1903;—CL 1915, 3444;—CL 1929, 8072;—CL 1948, 397.213;—Am. 1984, Act 128, Imd. Eff. June 1, 1984.

Cross-references: As to consolidation of township libraries, see § 397.351 et seq.

397.214 Contract with township, city, or village for use of library and reading room; procedure; tax levy; library fund.

Sec. 14. (1) Upon receipt of a petition signed by not less than 10% of the electors in any township based on the highest vote cast at the last regular election for township officers of the township, addressed to the township board, requesting that a meeting be called of the electors in the township, to consider making a contract with any township, city, or village supporting and maintaining a free public circulating library and reading room under this act, or under any special act, for the use of its privileges by the residents of the township, the township board shall call a meeting of the electors of the township by posting notices in at least 5 public places within the township not less than 10 days before the meeting. The electors present at the meeting shall determine whether the township shall enter into a contract for the use of a free public circulating library and reading room in any township, city, or village and the rate of taxation to be levied for the purpose of paying for that use if the electors decide to enter into such a contract. However, a tax so levied shall not exceed 1 mill of the state equalized valuation of the township. If a majority of those present and voting are in favor of the township contracting for the use of a free public circulating library and reading room maintained in any township, city, or village, the township board may enter into a contract and shall levy and collect the tax provided for in this subsection, which tax when collected shall be placed in a fund to be known as the "library fund". The money in the library fund shall be paid over by the township treasurer to the treasurer of the township, city, or village in which the library is located, on the first day of January, February, and March of each year, to be disbursed subject to the provisions of section 5. This subsection is not a limitation on the contractual power of a legislative body of a city, village, or township under section 13.

(2) Notwithstanding any contrary provision in a township, city, or village charter, the library board of directors of a township, city, or village supporting and maintaining a free public circulating library and reading room under this act, or under any special act, may enter into a contract with another township, city, or village to permit the residents of that other township, city, or village the full use of the library and reading room, upon terms and conditions to be agreed upon between the library board of directors and the legislative body of the other township, city, or village. A contract entered into pursuant to this subsection shall be executed for a term of 3 years, shall be automatically extended for an indefinite term after the initial 3-year period, and shall be terminable by either party only on the giving of 6 months' notice of the intent to terminate the contract.

History: Add. 1903, Act 19, Eff. Sept. 17, 1903;—Am. 1911, Act 272, Eff. Aug. 1, 1911;—CL 1915, 3445;—CL 1929, 8073;—Am. 1931, Act 248, Eff. Sept. 18, 1931;—CL 1948, 397.214;—Am. 1984, Act 128, Imd. Eff. June 1, 1984.

397.215 Contract for use of library services by county; joint library board; number of directors; provisions of contract; vacancies; removal of director; vacating offices of directors; powers and duties of joint library board.

Sec. 15. (1) In a county which does not have a county library established under Act No. 138 of the Public Acts of 1917, being sections 397.301 to 397.305 of the Michigan Compiled Laws, or counties in which the population exceeds 1,000,000, a contract for use of library services under section 13 may provide for joint representation on the library board of directors. A joint library board shall not have more than 9 directors.

(2) A contract for use of library services that provides for joint representation may provide that a director serving on a library board on the day before the establishment of a joint library board shall become a director of the joint library board and shall serve out the balance of his or her unexpired term.

(3) A contract for the use of library services shall specify all of the following:

(a) Whether those directors added to an existing library board to create a joint library board are elected or appointed.

(b) The method of election or appointment of those directors added to an existing library board to create a joint library board.

(c) Lengths of terms of office of those directors added to an existing library board to create a joint library board. The terms of the added directors shall be staggered. If a contract establishing a joint library board is terminated, the terms of all added directors shall end on the date of termination.

(d) The method of removal of, and the causes upon which removal may be based for, a director added to an existing library board to create a joint library board.

(e) The method of filling a vacancy in the office of a director added to an existing library board to create a joint library board. A vacancy shall be filled for the balance of the unexpired term.

(f) Any other provision which is considered necessary or advisable.

(4) Selection, length of terms, manner of filling vacancies, and removal of the directors of the existing library board who become directors on the joint library board shall continue to be governed by state law or by the township, city, or village charter.

(5) If a contract for use of library services that provides for joint representation does not provide that directors on the existing board become directors on the joint library board, the offices of the directors of the existing board shall be vacated on the date the joint board assumes jurisdiction and the contract shall include those provisions required by subsection (3) which shall apply to the entire joint library board.

(6) A joint library board established under this section has the same powers and duties as a city library board under sections 5 to 7.

History: Add. 1984, Act 128, Imd. Eff. June 1, 1984.

Compiler's note: Former section 15, providing for election by township of 2 members of board of library commissioners, was repealed by Act 272 of 1911.

397.216 Rights in use and benefits of library; uniform rules and regulations.

Sec. 16. After fulfilling the contractual requirements, the people of a township, village, or city which has contracted for library services with another township, village, or city shall have all rights in the use and benefits of the library that they would have if they lived in the township, village, or city where the library is established, subject to uniform rules and regulations established by the board of library directors.

History: Add. 1903, Act 19, Eff. Sept. 17, 1903;—CL 1915, 3446;—CL 1929, 8074;—CL 1948, 397.216;—Am. 1984, Act 128, Imd. Eff. June 1, 1984.

397.217 Joint municipal libraries; villages and cities.

Sec. 17. The people of villages may join with townships, or townships with villages, or either with cities, by complying with similar provisions, as aforesaid in this act, and as amended, for the purpose of maintaining, supporting and receiving the benefits from a free public circulating library.

History: Add. 1903, Act 19, Eff. Sept. 17, 1903;—CL 1915, 3447;—CL 1929, 8075;—CL 1948, 397.217.

TRANSFER OF CITY PUBLIC LIBRARIES**Act 181 of 1973**

AN ACT to provide for the transfer of certain public libraries to the governing body of a city; to provide for continued operation and maintenance of the libraries; to provide for the conveyances; and to provide for the succession to title and interest of libraries.

History: 1973, Act 181, Imd. Eff. Dec. 28, 1973.

The People of the State of Michigan enact:

397.231 Effect of repealing local act governing city public library.

Sec. 1. If the local act governing a city public library is repealed, the governing body of the city shall succeed to all title and interest in the real and personal property of the library.

History: 1973, Act 181, Imd. Eff. Dec. 28, 1973.

397.232 Operation and maintenance of library by governing body of city.

Sec. 2. The governing body of the city may continue to operate and maintain the library in accordance with appropriate statutes of this state or the charter of that governmental unit.

History: 1973, Act 181, Imd. Eff. Dec. 28, 1973.

397.233 Conveyance of library property to other governing body.

Sec. 3. The governing body of the city may convey the property of such library to the governing body of another governmental unit for use of the property for library purposes.

History: 1973, Act 181, Imd. Eff. Dec. 28, 1973.

PUBLIC LIBRARIES; BONDS

Act 305 of 1919

AN ACT to authorize the issue of bonds; to provide sites for and for the erection thereon of public libraries and for additions to and improvements of such sites and the buildings thereon, whether now existing or hereafter acquired, in cities, villages and school districts where free public libraries have or may hereafter be established.

History: 1919, Act 305, Eff. Aug. 14, 1919.

The People of the State of Michigan enact:

397.241 Sites and buildings provided; improvement of existing property; bond issue, limitation.

Sec. 1. The legislative body of any city, village or school district where free public libraries have been, or may hereafter be established, is hereby authorized upon the application of the local library board, or commission or body duly authorized by law to maintain free public libraries in such city, village or school district to borrow a sum of money upon the faith and credit of such city, village or school district not exceeding $\frac{1}{4}$ of 1 per centum of the assessed valuation of such city, village or school district to provide sites for, and for the erection thereon, of free public library buildings and for additions to and improvements of such sites and the buildings thereon now existing or hereafter acquired and to issue the bond or bonds of such city, village or school district therefor: Provided, That wherever library bonds have heretofore been issued or authorized said bonds shall be included in the limitation of $\frac{1}{4}$ of 1 per centum of the assessed valuation: And provided further, That such bonds hereafter issued shall be in addition to all other indebtedness which the city, village or school district is or may be authorized to incur for purposes other than library purposes.

History: 1919, Act 305, Eff. Aug. 14, 1919;—CL 1929, 8076;—CL 1948, 397.241.

Cross-references: As to municipal finance act, see § 131.1 et seq. For an additional provision pertaining to issuance of library bonds by villages, see § 397.321 et seq.

397.242 Bonds; form; dating and numbering; amount; interest; payment; execution; negotiation.

Sec. 2. The bonds shall be denominated "public library bonds of the city, village, or school district number of _____," shall be regularly dated and numbered in the order of their issue, shall be for sums of not less than \$100.00 each, shall bear interest at a rate not exceeding the maximum rate permitted by Act No. 202 of the Public Acts of 1943, as amended, being sections 131.1 to 138.2 of the Michigan Compiled Laws, shall be payable within such time from the date of issue and shall be executed in such manner, as the local legislative body of the city, village, or school district may determine. The bonds shall not be negotiated at less than their par value.

History: 1919, Act 305, Eff. Aug. 14, 1919;—CL 1929, 8077;—CL 1948, 397.242;—Am. 1976, Act 23, Imd. Eff. Feb. 27, 1976.

397.243 Bonds; approval of issue.

Sec. 3. No bonds shall be issued under this act unless such issue has been approved by both the local legislative body and by that body to whom is entrusted the management of the local library system and upon such concurrent approval the legislative body of said city, village or school district shall thereupon proceed to issue and negotiate the sale of said bonds.

History: 1919, Act 305, Eff. Aug. 14, 1919;—CL 1929, 8078;—CL 1948, 397.243.

397.244 Bonds; sinking fund for redemption; receipts from sale, disposition.

Sec. 4. The local legislative body of such city, village or school district shall provide a sinking fund for the redemption of the bonds issued under the provisions of this act to which end it shall be its duty to raise by taxation, each year, upon the property assessed for city, village or school district purposes, such sum as shall be sufficient to make said sinking fund adequate at the maturity of the bonds, to pay the same and the moneys so raised shall be used for no other purpose. The principal realized from the sale of said bonds shall be deposited with the treasurer of said city, village or school district and credited to a public library fund for the purposes hereinbefore mentioned and shall be used for said purposes only. The premium and accrued interest of said bonds shall be credited to the sinking fund of said city, village or school district.

History: 1919, Act 305, Eff. Aug. 14, 1919;—C*, 1929, 8079;—CL 1948, 397.244.

397.245 Bonds; budget items for sinking fund and interest on bonds.

Sec. 5. It shall be the duty of the local board entrusted with the management of the local library system, to include in its budget each year, an item of the amount necessary to be raised each year for the sinking fund and an item for the amount necessary to be raised each year for the interest on said bonds and said items shall be allowed by the local body or officer whose duty it is to determine the amount to be raised by taxation for said city, village or school district. Said items shall be in addition to the amount which may be annually raised by taxation for all other purposes.

History: 1919, Act 305, Eff. Aug. 14, 1919;—CL 1929, 8080;—CL 1948, 397.245.

397.246 Cities and villages; borrowing power.

Sec. 6. Notwithstanding the provisions of this act, any city or village may borrow money and issue bonds for library buildings, additions thereto and/or sites therefor, in accordance with, and to the full extent authorized by its charter.

History: Add. 1952, Act 126, Imd. Eff. Apr. 17, 1952.

LIBRARIES UNDER BOARDS OF EDUCATION

Act 261 of 1913

AN ACT to authorize boards of education to provide for the maintenance of free public libraries existing under the control of boards of education of the cities; to authorize and empower said boards of education to raise or borrow money and issue bonds in sufficient sum to purchase property or site, erect and maintain buildings for use as a free public library and other educational purposes.

History: 1913, Act 261, Eff. Aug. 14, 1913.

The People of the State of Michigan enact:

397.261 Boards of education library; annual expense estimates.

Sec. 1. Boards of education in cities where free public libraries are under control of such boards of education by reason of existing charters or otherwise, from and after the passage of this act are hereby authorized and empowered to include in their annual estimate a sum or sums sufficient to properly care for and defray the expense of maintenance and to purchase new books required for such libraries.

History: 1913, Act 261, Eff. Aug. 14, 1913;—CL 1915, 5836;—CL 1929, 8081;—CL 1948, 397.261.

397.262 Boards of education; bonds, issuance, maturity, approval by electors.

Sec. 2. Boards of education in cities having the control of free public libraries by reason of existing charters or otherwise are hereby authorized and empowered to raise money, either by including the amount in their annual estimates, or to borrow same on the faith and credit of said school district, and to issue certificates or bonds to secure the payment of the sums borrowed; sufficient to purchase property for a site and to provide the money necessary to erect, equip and maintain buildings for a free public library and other educational uses: Provided, That when any bond issue shall be provided for under the terms of this act such bonds shall not be issued for a period of more than 10 years. No bonds provided for in this act shall be issued until issuance of same shall have been submitted to the electors of the district affected and approved by a majority of the electors voting thereon.

History: 1913, Act 261, Eff. Aug. 14, 1913;—CL 1915, 5837;—CL 1929, 8082;—CL 1948, 397.262.

Compiler's note: Former section 3 of this act, a repeal provision, was repealed by Act 267 of 1945.

DISTRICT LIBRARIES

Act 164 of 1955

AN ACT to provide for the establishment and maintenance of district libraries; to provide for boards of trustees to have control of such libraries; to define the powers and duties of such boards; and to provide for the support of such libraries.

History: 1955, Act 164, Imd. Eff. June 7, 1955.

The People of the State of Michigan enact:

397.271 District libraries; establishment.

Sec. 1. Any municipality empowered by law to establish or maintain libraries or library services may cooperatively develop a plan and unite with any other municipality or municipalities for the establishment and operation of a district library.

The term "municipalities" as used in this act shall include cities, villages, school districts, townships and counties.

History: 1955, Act 164, Imd. Eff. June 7, 1955.

Cited in other sections: Sections 397.271 to 397.276 are cited in §§211.36 and 388.1621.

Cross-references: As to distribution of penal fines to public libraries, see §397.31 et seq. As to federal funds for library construction, see §397.126. As to libraries under boards of education, see §397.261 et seq. As to privately owned public libraries, see §397.371. As to library commissions, see §397.401 et seq. As to state library for blind, see §397.491 et seq. As to state aid to public libraries act of 1965, see §397.601 et seq.

397.272 Proposal for establishment and operation of district library; vote.

Sec. 2. (1) The proposal to unite for the establishment and operation of a district library shall be submitted to the governing or legislative body of each municipality in the proposed district, and the vote of a majority of the members of each of those bodies shall be necessary for the adoption of the proposal.

(2) If the governing or legislative body of a municipality submits the proposal for the establishment and operation of the district library to a vote of the people, a majority of those voting on the question in the municipality shall be necessary for the adoption of the proposal.

History: 1955, Act 164, Imd. Eff. June 7, 1955;—Am. 1972, Act 465, Imd. Eff. Oct. 16, 1978.

397.273 Library board of trustees; appointment, qualifications, and terms of members; vacancy; compensation and expenses; selection of officers; effect of proposal for election of members.

Sec. 3. (1) Upon the adoption of the proposal for a district library, the governing or legislative body of each participating municipality shall choose from its residents, with reference to their fitness for office, 2 members, except if there are less than 4 participating municipalities, not less than 2 and not more than 4 members, who shall compose the library board of trustees for terms of 4 years each. Of the members first appointed, 1 or not more than 2, if the board consists of more than 2 members from each participating municipality, shall be appointed for a term of 2 years and 1 or not more than 2, if the board consists of more than 2 members from each participating municipality, for a term of 4 years. A member shall serve until the appointment and qualification of a successor. A vacancy shall be filled in a similar manner for the unexpired term. Each member of the board shall serve without compensation. The governing library board may pay to each member of the board the actual and necessary expenses which the member incurred in the performance of official duties, which shall conform to the per diem compensation of the local governing body and the schedule for reimbursement of expenses established annually by the legislature. The members of the board shall select their own officers.

(2) If the governing or legislative body of each participating municipality submits the proposal for the election of the members of the board of trustees of the district library to a vote of the people and a majority of those voting on the question in the proposed district vote in favor of the proposal, a board of 9 members shall be elected from the district at large. The 3 persons receiving the most votes shall receive 6 year terms, the 3 persons receiving the next highest number of votes shall receive 4 year terms, and the 3 remaining persons elected to the board shall receive 2 year terms. A member shall serve until a successor is elected and qualified. The term of office of an elected successor shall be 6 years, commencing on January 1 following the election. A nomination for a position on the board of trustees shall be by a petition signed by at least $\frac{1}{2}$ of 1% of the qualified electors of the district and the election, other than the first election, shall be at the same time as the even year general November election. A vacancy shall be filled by the remaining members of the board until the next following even year general November election at which a person shall be elected for the remainder of the term.

History: 1955, Act 164, Imd. Eff. June 7, 1955;—Am. 1978, Act 465, Imd. Eff. Oct. 16, 1978.

397.274 Library board of trustees; powers.

Sec. 4. The board of trustees of each district library established shall have the following powers:

- (a) To establish, maintain, and operate a public library for the district.
- (b) To appoint a librarian, and the necessary assistants, and fix their compensation. The board may remove the librarian and other assistants.
- (c) To purchase books, periodicals, equipment, and supplies.
- (d) To purchase sites and erect buildings, to lease suitable quarters, or to both erect building and lease quarters and to have supervision and control of the property.
- (e) To enter into a contract to receive service from or give service to a library within or without the district and to give service to municipalities within or without the district which do not have a library.
- (f) To have exclusive control of the expenditure of all money collected to the credit of the library fund.
- (g) To make by-laws and regulations not inconsistent with this act as may be expedient for the board's own government and that of the library.

History: 1955, Act 164, Imd. Eff. June 7, 1955;—Am. 1978, Act 465, Imd. Eff. Oct. 16, 1978.

397.274a Municipalities as authority.

Sec. 4a. The municipalities which unite for the establishment and operation of a district library pursuant to section 2(2) of this act shall constitute an authority under section 6 of article 9 of the state constitution of 1963.

History: Add. 1978, Act 465, Imd. Eff. Oct. 16, 1978.

397.275 Appropriation; tax levy.

Sec. 5. The sums necessary for the establishment and operation of a district library shall be appropriated by the governing or legislative boards of the municipalities entering into the formation of the district library, or by a tax levy for this purpose authorized by a vote of the qualified electors in a participating municipality or a vote of the qualified electors of the district established by the participating municipalities pursuant to section 2(2) of this act, if the proposed tax levy is submitted by the board of trustees of the district library. If a municipality withdraws from the district library, a previously voted tax levy shall be continued for provision of public library support.

History: 1955, Act 164, Imd. Eff. June 7, 1955;—Am. 1970, Act 32, Imd. Eff. June 16, 1970;—Am. 1978, Act 465, Imd. Eff. Oct. 16, 1978.

397.276 District libraries; withdrawal of municipality, procedure.

Sec. 6. (1) Any municipality which has united with other municipalities in the establishment and operation of a district library under this act may withdraw therefrom upon a favorable vote by the majority of those voting at the next regularly scheduled election of the withdrawing municipality.

(2) The resolution shall state the effective date of the withdrawal of the municipality, which date shall be not less than 6 months from the date of the resolution. Notice of the resolution shall be published at least 10 days before its passage, in a newspaper of general circulation within the withdrawing municipality.

(3) After passage of the resolution, duplicate certified copies of it shall be filed with the district library board for transmittal to the local boards of all other municipalities participating in the district library and with the state board of education.

(4) The state board of education shall require the local board of the withdrawing municipality to furnish a plan for continuing public library service for all residents of the municipality after withdrawal from the district library.

(5) The withdrawing municipality shall be entitled to receive its share of the net assets of the district library valued as of the date of withdrawal if it so desires. Payment of the withdrawing municipality's share shall be made within a reasonable period of time according to a plan approved by the state board of education.

History: Add. 1970, Act 32, Imd. Eff. June 16, 1970.

COUNTY LIBRARIES

Act 138 of 1917

AN ACT to authorize the creation of county libraries; to authorize the contracting by the board of supervisors of any county for library service; to authorize the contracting by the board of supervisors of any county or the board of trustees of any regional library with any other municipality for the furnishing of such service; and to provide for a tax for the purposes of this act.

History: 1917, Act 138, Eff. Aug. 10, 1917;—Am. 1931, Act 249, Eff. Sept. 18, 1931.

The People of the State of Michigan enact:

397.301 County libraries; establishment, contracts for service, tax.

Sec. 1. The board of supervisors of any county shall have the power to establish a public library free for the use of the inhabitants of such county and they may contract for the use, for such purposes, of a public library already established within the county, with the body having control of such library, to furnish library service to the people of the county under such terms and conditions as may be stated in such contract. The amount agreed to be paid for such service under such contract and the amount which the board may appropriate for the purpose of establishing and maintaining a public library shall be a charge upon the county and the board may annually levy a tax on the taxable property of the county, to be levied and collected in like manner as other taxes in said county and paid to the county treasurer of said county and to be known as the library fund.

History: 1917, Act 138, Eff. Aug. 10, 1917;—CL 1929, 8084;—Am. 1931, Act 249, Eff. Sept. 18, 1931;—Am. 1943, Act 206, Imd. Eff. Apr. 17, 1943;—CL 1948, 397.301;—Am. 1966, Act 150, Eff. Aug. 11, 1966.

Cited in other sections: Section 397.301 et seq. is cited in §§397.32, 397.34, and 418.151.

Cross-references: As to distribution of penal fines to public libraries, see §397.31 et seq. As to federal funds for library construction, see §397.126. As to libraries under boards of education, see §397.231 et seq. As to privately owned public libraries, see §397.371. As to library commissions, see §397.401 et seq. As to state library for blind, see §397.491 et seq. As to state aid to public libraries act of 1965, see §397.501 et seq.

397.302 Library board; purpose; number, appointment, and terms of members; body corporate; powers.

Sec. 2. For the purpose of administering the county library fund, there shall be a library board consisting of 5 members, to be appointed by the county board of commissioners, for terms of 5 years each, except that the first members shall be appointed for 1, 2, 3, 4, and 5 years. In a county with a population over 1,000,000, the superintendent of the intermediate school district serving the county shall be 1 of the 5 members of the library board during his or her term of office.

The board shall be a body corporate and shall be authorized to contract for the leasing, construction, or maintenance of buildings or quarters, including the acquisition of sites, to house the county library service, and to do any other thing necessary for the conducting of the county library service, the cost thereof to be a charge against the county library fund.

History: 1917, Act 138, Eff. Aug. 10, 1917;—CL 1929, 8085;—Am. 1937, Act 113, Imd. Eff. June 24, 1937;—Am. 1943, Act 206, Imd. Eff. Apr. 17, 1943;—CL 1948, 397.302;—Am. 1966, Act 67, Imd. Eff. June 9, 1966;—Am. 1974, Act 110, Imd. Eff. May 21, 1974.

397.303 Contract for use of existing library; county library fund.

Sec. 3. In case a contract shall be made with an existing library, the county library fund shall be administered by the county library board and such contract, and all services provided for thereunder, shall be supervised by the county library board; and all employees engaged in the execution and carrying out of such contract shall be county employees, except those furnished and employed by the library rendering such services in accordance with or fulfillment of such contract.

History: 1917, Act 138, Eff. Aug. 10, 1917;—CL 1929, 8086;—Am. 1937, Act 113, Imd. Eff. June 24, 1937;—Am. 1943, Act 206, Imd. Eff. Apr. 17, 1943;—CL 1948, 397.303.

397.304 County library fund; disbursement.

Sec. 4. Said fund shall be paid by the county treasurer upon the order or warrants of said library board.

History: 1917, Act 138, Eff. Aug. 10, 1917;—CL 1929, 8087;—Am. 1943, Act 206, Imd. Eff. Apr. 17, 1943;—CL 1948, 397.304.

397.305 Contract for service to municipality; tax; effect of establishment of municipal library.

Sec. 5. Any county possessing a county library or any board of trustees of a regional library may enter into a contract with 1 or more counties, townships, villages, cities and/or other municipalities to secure to the residents of such municipality such library service as may be agreed upon, and the money received for the furnishing of such service shall be deposited to the credit of the library fund. Any municipality contracting for such library service shall have the power to levy a library tax in the same manner and amount as authorized in section 1 hereof for the purpose of paying therefor. Any municipality contracting for such library service may at any time establish a public library free for the use of its inhabitants, whereupon its contract for said service may be continued or terminated on such terms as may be agreed upon between the parties thereto.

History: Add. 1931, Act 249, Eff. Sept. 18, 1931;—CL 1948, 397.305.

TOWNSHIP AND VILLAGE LIBRARIES

Act 5 of 1917

AN ACT authorizing organized townships and incorporated villages in the state of Michigan to borrow money and to issue bonds therefor for the purpose of establishing free public libraries, purchasing sites and constructing buildings thereon.

History: 1917, Act 5, Imd. Eff. Mar. 9, 1917.

The People of the State of Michigan enact:

397.321 Townships and villages; issuance of library bonds, approval by electors.

Sec. 1. The township board of any organized township and the village council, or board of trustees, of any incorporated village in the state of Michigan are hereby authorized and empowered, upon an application signed by not less than 25 qualified electors of such township or incorporated village being first filed with the said township board, village council, or board of trustees, as the case may be, to borrow a sum of money, not exceeding 1 per cent of the assessed valuation of such township, or incorporated village, on the faith and credit of such township, or incorporated village, and to issue the bond, or bonds of such township, or incorporated village, therefor; the money so borrowed to be used for the purpose of establishing a free public library, for purchasing a site for the same or constructing buildings thereon: Provided, That a majority of the voters of such township, or incorporated village, voting thereon at a township meeting, a general election, or at a special election called by the township board, or at a general or special election called by the village council, or board of trustees, for that purpose, shall vote in favor thereof.

History: 1917, Act 5, Imd. Eff. Mar. 9, 1917;—CL 1929, 8088;—CL 1948, 397.321.

Cross-references: As to distribution of penal fines to public libraries, see §397.31 et seq. As to federal funds for library construction, see §397.126. As to libraries under boards of education, see §397.261 et seq. As to privately owned public libraries, see §397.371. As to library commissions, see §397.401 et seq. As to state library for blind, see §397.491 et seq. As to municipal finance act, see §131.1 et seq. For an additional provision pertaining to issuance of library bonds by villages, see §397.241.

397.322 Referendum; notice.

Sec. 2. The question of issuing the bonds, provided for in section 1 of this act, shall be submitted to the legal voters of such township, or incorporated village, by the township board, the village council or board of trustees, within 30 days after the filing of the application mentioned in section 1, giving due notice thereof by causing the date, place of voting and object of said election to be stated in written or printed notices to be posted in 5 public places in such township, or incorporated village, at least 10 days before the time fixed by said board for such election, and by publishing the same in at least 1 newspaper published in said township, or incorporated village, or if none be published in said township, or incorporated village, then in some newspaper published in the same county, which is circulated in such township or incorporated village, at least 2 weeks before the time of such election. Such notice shall state the amount of money proposed to be raised by such bonding, and the purpose or purposes to which it shall be applied.

History: 1917, Act 5, Imd. Eff. Mar. 9, 1917;—CL 1929, 8089;—CL 1948, 397.322.

397.323 Referendum; form of ballot; election process.

Sec. 3. The vote upon such proposition shall be by printed ballot, and such ballots shall be in the following form:

"For the issuing of bonds to (Purpose) Yes []."

"For the issuing of bonds to (Purpose) No []."

The election shall be conducted and the votes canvassed in all respects, as in other township or village elections.

History: 1917, Act 5, Imd. Eff. Mar. 9, 1917;—CL 1929, 8090;—CL 1948, 397.323.

397.324 Library bonds; term, signature, negotiation; tax.

Sec. 4. If at such election a majority of such qualified electors present thereat and voting upon said proposition shall vote in favor of such loan, such bonds shall be issued by the township board of the township or the village council or board of trustees of the village, as the case may be, in denominations not exceeding 1,000 dollars each, at a rate of interest not exceeding 5 per centum per annum, and for a period not exceeding 25 years. As the said township board, or the said common council, or board of trustees, by resolution, shall direct. Said bond, or bonds, issued by a township board, shall be signed by the members of the said township board and countersigned by the township treasurer, and when issued by a village council shall be signed by the president and clerk of said village and countersigned by the village treasurer. Said bond, or bonds, shall be negotiated by and under the direction of said township board, or common council, or board of trustees of incorporated village, to raise in each year by tax upon the taxable property of such township, or incorporated village, such sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon, as the same shall become due.

History: 1917, Act 5, Imd. Eff. Mar. 9, 1917;—CL 1929, 8091;—CL 1948, 397.324.

397.325 Library bonds; negotiation at less than par prohibited.

Sec. 5. No bonds issued under and by virtue of this act shall be used or negotiated at less than their par value.

History: 1917, Act 5, Imd. Eff. Mar. 9, 1917;—CL 1929, 8092;—CL 1948, 397.325.

397.326 Declaration of necessity.

Sec. 6. It is hereby declared that this act is immediately necessary for the public health, peace and safety.

History: 1917, Act 5, Imd. Eff. Mar. 9, 1917;—CL 1929, 8093;—CL 1948, 397.326.

CONSOLIDATION OF TOWNSHIP LIBRARIES

Act 165 of 1927

AN ACT to authorize the consolidation of township libraries in adjoining townships in certain cases, and to provide for their joint maintenance.

History: 1927, Act 165, Eff. Sept. 5, 1927.

The People of the State of Michigan enact:

397.351 Consolidation of township libraries; procedure.

Sec. 1. It shall hereafter be lawful for the township boards of adjoining townships in the same county, by joint action of the respective township boards of such townships, by proceeding as hereinafter provided, to consolidate the libraries in each township into 1 library, and to designate the site thereof.

History: 1927, Act 165, Eff. Sept. 5, 1927;—CL 1929, 8094;—CL 1948, 397.351.

Cross-reference: For additional provisions pertaining to uniting of townships, see §397.213 et seq.

397.352 Referendum; petition.

Sec. 2. When the township board of each township having such libraries shall be presented with a petition, signed by not less than 25 per cent of the resident freeholders of each of the respective townships, each such township board shall forthwith adopt a resolution submitting the question of consolidation of the libraries of the 2 townships to the qualified electors of each township at any regular election or special election duly called for that purpose.

History: 1927, Act 165, Eff. Sept. 5, 1927;—CL 1929, 8096;—CL 1948, 397.352.

397.353 Referendum; form of ballot; conduct of election.

Sec. 3. The election shall be by ballot in substantially the following form:

"Shall the township libraries of _____ and _____ townships be consolidated?

Yes []

No []."

The election shall be conducted in every respect the same as other special or general elections are conducted, and the results canvassed and certified in like manner.

History: 1927, Act 165, Eff. Sept. 5, 1927;—CL 1929, 8098;—CL 1948, 397.353.

397.354 Referendum; meeting to pass joint resolution; consolidation.

Sec. 4. If the proposition shall be carried by a majority of those voting at the election, in each township, and the respective election boards shall so certify, the respective township boards shall meet together in the township casting the largest vote at such election and shall pass a joint resolution, which shall be recorded in the minutes of the clerk of each board, canvassing the returns of the elections, and shall formally consolidate the township libraries of the 2 townships.

History: 1927, Act 165, Eff. Sept. 5, 1927;—CL 1929, 8097;—CL 1948, 397.354.

397.355 Site of library; designation.

Sec. 5. Such resolution shall designate the site of the library, and if not able to agree by a majority vote of the board members present and voting, the county commissioner of schools shall choose a site properly located and most advantageous to the townships.

History: 1927, Act 165, Eff. Sept. 5, 1927;—CL 1929, 8098;—CL 1948, 397.355.

397.356 Maintenance expenses; apportionment.

Sec. 6. The expense of maintenance for the ensuing year shall be estimated, and the expense apportioned between the 2 townships in proportion to their respective assessed valuations for the preceding year, and such tax certified by the clerk of each board to its respective supervisor.

History: 1927, Act 165, Eff. Sept. 5, 1927;—CL 1929, 8099;—CL 1948, 397.356.

397.357 Control of library.

Sec. 7. Said library when so consolidated shall be under the joint control of the township boards, and any matter upon which they can not agree shall be decided by the county commissioner of schools. Not more than 2 joint meetings per year shall be held.

History: 1927, Act 165, Eff. Sept. 5, 1927;—CL 1929, 8100;—CL 1948, 397.357.

397.358 Free public library; formation.

Sec. 8. After consolidation, the library may be formed into a free public library, with provisional board of directors in pursuance of the statute in such case made and provided, upon proper procedure for that purpose, jointly taken by the township boards of the townships consolidating.

History: 1927, Act 165, Eff. Sept. 5, 1927;—CL 1929, 8101;—CL 1948, 397.358.

Cross-references: As to provisional library board of directors, see §397.211.

PRIVATELY OWNED PUBLIC LIBRARIES
Act 213 of 1925

AN ACT to provide for the maintenance and operation of libraries for public use, owned or controlled by associations or individuals.

History: 1925, Act 213, Imd. Eff. May 6, 1925.

The People of the State of Michigan enact:

397.371 Privately owned libraries; public support, limitation, conditions.

Sec. 1. Any township, city or village within this state, having within its limits a library that had been open to the public upon the payment of dues, may appropriate not to exceed $\frac{1}{2}$ of 1 mill on its assessed valuation for the support of such library, and such sum or sums shall be raised by taxation in the ordinary way: Provided, That any library so receiving support from any municipality shall be kept open for the convenience of the public not less than the afternoons and evenings of 3 days of each week, and the books therein shall be for the free use of the public under such reasonable restrictions as such library shall prescribe.

History: 1925, Act 213, Imd. Eff. May 6, 1925;—CL 1929, 8102;—CL 1948, 397.371.

PUBLIC LIBRARY; GIFTS AND DONATIONS
Act 136 of 1921

AN ACT to authorize and facilitate the acquisition and disposal of public library property by public corporations empowered to maintain public libraries.

History: 1921, Act 136, Eff. Aug. 18, 1921.

The People of the State of Michigan enact:

397.381 Donations; acceptance, use.

Sec. 1. Any board of education, library commission or other public corporation empowered to maintain a public library may receive and accept gifts and donations of property, real or personal, for the purpose of such library and shall hold, use and apply the property so received for the purposes set forth in the instrument of gift and in accordance with the provisions of such instrument and subject to the conditions and limitations, if any, therein expressed.

History: 1921, Act 136, Eff. Aug. 18, 1921;—CL 1929, 8103;—CL 1948, 397.381.

Cross-references: As to distribution of penal fines to public libraries, see §397.31 et seq. As to federal funds for library construction, see §397.126. As to libraries under boards of education, see §397.261 et seq. As to privately owned public libraries, see §397.371. As to library commissions, see §397.401 et seq. As to state library for blind, see §397.491 et seq. As to state aid to public libraries act of 1965, see §397.501 et seq.

397.382 Donations; disposition.

Sec. 2. Whenever any property, real or personal, now or hereafter held and used for the purpose of a public library by any board of education, library commission or other public corporation shall, in the judgment of such corporation, be no longer needed for such purpose, such property may be sold and disposed of by such corporation unless such sale and disposal be inconsistent with the terms and conditions upon which such property was acquired, at such price and upon such terms and conditions as said corporation may deem proper, and the proceeds thereof shall by said corporation be used and applied for the purpose of such library.

History: 1921, Act 136, Eff. Aug. 18, 1921;—CL 1929, 8104;—CL 1948, 397.382.

LIBRARY COMMISSIONS
Act 26 of 1921 (1st Ex. Sess.)

AN ACT relative to library commissions in cities having a population of more than 250,000.

History: 1921, 1st Ex. Sess., Act 26, Eff. Sept. 19, 1921.

The People of the State of Michigan enact:

397.401 Library commission; jurisdiction.

Sec. 1. The territory over which the library commission in any city having a population of more than 250,000 shall conduct the activities to it by law confided, and to which shall apply charges and obligations heretofore or hereafter imposed for the purposes of any said commission, shall be co-extensive with the boundaries of any said city and shall automatically change by and with any change in said boundaries.

History: 1921, 1st Ex. Sess., Act 26, Eff. Sept. 19, 1921;—CL 1929, 8106;—CL 1948, 397.401.

Cross-references: As to incorporation of the Detroit library commission, see Local Act 359 of 1901; Local Act 390 of 1903; and Local Act 460 of 1905.

397.402 Library commission; annual budget.

Sec. 2. The annual budget of any said commission shall be prepared in manner and time provided by the charter of any said city concerning the budget thereof and shall be submitted to and passed upon by the officers and boards of any said city as are the items in the budget thereof.

History: 1921, 1st Ex. Sess., Act 26, Eff. Sept. 19, 1921;—CL 1929, 8106;—CL 1948, 397.402.

397.403 Library commission; fiscal year.

Sec. 3. The fiscal year of any said commission shall be identical with that of any said city.

History: 1921, 1st Ex. Sess., Act 26, Eff. Sept. 19, 1921;—CL 1929, 8107;—CL 1948, 397.403.

397.404 Effect of local act; continuation.

Sec. 4. The relation of officers or agencies of any said city to the affairs of any said commission growing out of any special or local act of the state legislature shall continue in officers or agencies of any said city on revision or amendment of said special or local act by the electors of any said city.

History: 1921, 1st Ex. Sess., Act 26, Eff. Sept. 19, 1921;—CL 1929, 8108;—CL 1948, 397.404.

397.405 Payrolls, bills, accounts and claims; audit and approval; certificate; allowance, payment.

Sec. 5. All payrolls, bills, accounts and claims of every character against the library commission after having been duly audited and approved by the commission, the certificate of which audit and approval shall be endorsed thereon by the president or secretary of the commission or some member or other representative of the commission acting under authority conferred by the commission generally or specially, shall be transmitted to the city controller, who shall endorse thereon his approval or disapproval. When so endorsed with approval the controller shall draw his warrant or warrants on the city treasurer in payment therefor. No bill, account or claim shall be audited or approved by the commission unless the same shall be accompanied by a certificate of a representative of the commission who acted for the commission in making the purchase or contract or in taking the delivery or performance that he verily believes the services or property therein charged have been actually performed or delivered for the commission, that the sum or sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no setoff exists, nor payment has been made on account thereof except such as are included or referred to in such account. A similar certificate shall be required upon all payrolls, the certificate to be made by the person under whose supervision the services charged have been rendered. The provisions hereof shall be in addition to any provisions covering the same matters in any general or local act or charter adopted pursuant to Act No. 279 of the Public Acts of 1909, as amended, being sections 117.1 to 117.38 of the Compiled Laws of 1948.

History: Add. 1947, Act 185, Eff. Oct. 11, 1947;—CL 1948, 397.405;—Am. 1967, Act 230, Eff. Nov. 2, 1967.

FREE PUBLIC LIBRARIES

Act 115 of 1899

AN ACT to create a state board of library commissioners, to promote the establishment and efficiency of free public libraries, and to provide an appropriation therefor.

History: 1899, Act 115, Imd. Eff. June 1, 1899.

The People of the State of Michigan enact:

397.453 Free libraries; annual report to state board of library commissioners.

Sec. 3. It shall be the duty of all free libraries organized under the laws of the state, whether general or special, to make an annual report to the board of library commissioners, which report shall conform as near as may be reasonable and convenient, as to time and form such rules as the board may prescribe.

History: 1899, Act 115, Imd. Eff. June 1, 1899;—CL 1915, 1152;—CL 1929, 8064;—CL 1948, 397.453.

Cross-references: As to distribution of penal fines to public libraries, see §397.31 et seq. As to federal funds for library construction, see §397.126. As to libraries under boards of education, see §397.261 et seq. As to privately owned public libraries, see §397.371. As to library commissions, see §397.401 et seq. As to state library for blind, see §397.491 et seq. As to state aid to public libraries act of 1965, see §397.501 et seq.

Compiler's note: Former sections 1 and 2 of this act, pertaining to board of library commissioners and annual report of library commission, were repealed by Act 267 of 1945. Former sections 4 and 5 of this act, pertaining to expenses, audits, and annual tax, were repealed by Act 41 of 1907.

PUBLIC LIBRARIES

Act 92 of 1952

AN ACT to provide for cooperation and coordination in the maintenance and operation of libraries open for use by the public generally; to authorize certain contracts or arrangements for extension of library services; and to authorize the legislative body of political subdivisions to contract and pay therefor.

History: 1952, Act 92, Eff. Sept. 18, 1952;—Am. 1963, Act 152, Imd. Eff. June 2, 1963.

The People of the State of Michigan enact:

397.471 Public libraries; maintenance and operation, contracts; cooperation to avoid duplication.

Sec. 1. The officers, agency or other authority charged by law with the maintenance and operation of any library for general public use may enter into and perform contracts or arrangements with the officers, agency or other authority likewise charged in respect of any other such library for cooperation and coordination in the maintenance and operation of the libraries to avoid unnecessary duplication and at the same time promote the widest public use of books, manuscripts and other materials and facilities and bring about the supplementing of the 1 library by the other, which may include the accumulating of books, manuscripts and other materials and facilities, to whichever library belonging, of the same general nature or pertaining to the same general subject in such library as will best facilitate access thereto and promote the best use thereof by the members of the public desiring so to do.

The officers, agencies or other authorities, jointly or severally, may enter into contracts or arrangements to make available to political subdivisions of the state, including school districts, otherwise authorized by law to maintain libraries, such library services and facilities as will promote the widest public use of books and avoid unnecessary duplication and expense.

History: 1952, Act 92, Eff. Sept. 18, 1952;—Am. 1963, Act 152, Imd. Eff. June 2, 1963;—Am. 1962, Act 59, Eff. Mar. 28, 1963.

Cross-references: As to distribution of penal fines to public libraries, see §397.31 et seq. As to federal funds for library construction, see §397.126. As to libraries under boards of education, see §397.261 et seq. As to privately owned public libraries, see §397.371. As to library commissions, see §397.401 et seq. As to state library for blind, see §397.491 et seq. As to state aid to public libraries act of 1965, see §397.501 et seq.

397.472 Public libraries; contracts and arrangements; rights and privileges of residents; expenditures; political subdivisions.

Sec. 2. Such contracts and arrangements may be made between and among any number of such libraries. Any library supported in whole or in part by taxes or other public funds or competent in law to be so supported shall be eligible to be included in any such contract or arrangement by whatever authority such library may be maintained and operated. Residents of the territory subject to taxation for support of any library entering into any such contracts or arrangements shall have such rights and privileges in the use of the respective libraries entering into like contracts and arrangements as shall be provided therein. If the expenditures generally of such library shall by the law under which maintained and operated be subject to being budgeted and approved, any expenditure by such library required for carrying out any such contract or arrangement shall be likewise so subject.

The provisions hereof shall be broadly and liberally construed and applied and any provision in any contract or arrangement reasonably tending to effectuate in any part the intents and purposes hereof shall be deemed within the authority hereby granted. Any political subdivision of the state, including school districts, now or hereafter authorized by law to establish or maintain libraries or library services, may enter into contracts or arrangements for library services and facilities provided in section 1 and provide for the payments of obligations arising from such contracts or arrangements by resolution of the legislative body of the political subdivision or school district or in any other manner provided by law.

History: 1952, Act 92, Eff. Sept. 18, 1952;—Am. 1963, Act 152, Imd. Eff. June 2, 1963;—Am. 1962, Act 59, Eff. Mar. 28, 1963.

STATE LIBRARY FOR BLIND
Act 127 of 1959

AN ACT to transfer jurisdiction and control of the state library for the blind to the state board for libraries.

History: 1959, Act 127, Eff. Mar. 19, 1960.

The People of the State of Michigan enact:

397.491 State library for blind; transfer to state board for libraries.

Sec. 1. The state library for the blind, located at the employment institution for the blind at Saginaw, is hereby placed under the jurisdiction of the state board for libraries.

History: 1959, Act 127, Eff. Mar. 19, 1960.

397.492 State library for blind; administration, rules and regulation.

Sec. 2. The state board for libraries shall have full power to administer this library, determine standards of operation, and make rules and regulations that will best serve both Braille and talking book readers.

History: 1959, Act 127, Eff. Mar. 19, 1960.

397.493 State library for blind; appropriation.

Sec. 3. The state board for libraries shall administer the appropriation for said library.

History: 1959, Act 127, Eff. Mar. 19, 1960.

397.494 State library for blind; personnel, qualifications.

Sec. 4. The state board for libraries shall have full power to determine the qualifications of the personnel in said library and fill all vacancies, subject to the state civil service regulations.

History: 1959, Act 127, Eff. Mar. 19, 1960.

397.495 State library for blind; transfer of powers and duties to state board for libraries.

Sec. 5. Any and all powers and duties vested by any law of this state in the state library for the blind are hereby transferred and vested in the state board for libraries.

History: 1959, Act 127, Eff. Mar. 19, 1960.

STATE AID TO PUBLIC LIBRARIES ACT
Act 89 of 1977

AN ACT to provide for the establishment of cooperative libraries; to prescribe the powers and duties of the legislative council; to provide state aid for public libraries participating in cooperative libraries; to prescribe the powers and duties of cooperative library boards; to provide an appropriation; and to repeal certain acts and parts of acts.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 1982, Act 541, Eff. Mar. 30, 1983.

The People of the State of Michigan enact:

397.551 Short title.

Sec. 1. This act shall be known and may be cited as the "state aid to public libraries act".

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.552 Definitions.

Sec. 2. As used in this act:

(a) "Local board" means the board of trustees or directors that has, as its primary purpose, the supervision of a local public library, or that board contracting for library service, or if such a board does not exist, the legislative body of the local government which maintains the public library.

(b) "Local support" means funds from tax sources, gifts, endowments, penal fines, or other funds received from local sources, excluding state and federal aid as stated in this act.

(c) "Public library" means a library which is lawfully established for free public purposes by 1 or more counties, cities, townships, villages, school districts, or other local governments or a combination thereof, or by a public or local act, the entire interests of which belong to the general public. It does not include a special library such as a professional, technical, or school library.

(d) "Cooperative board" means the governing board of the cooperative library.

(e) "Cooperative library" means the library or service center designated by the cooperative board to execute services established by the cooperative plan and provided to libraries participating in the cooperative.

(f) "State board" means the legislative council.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 1982, Act 541, Eff. Mar. 30, 1983.

Cited in other sections: Section 397.552 is cited in §§206.260 and 208.38.

397.553 Cooperative library boards; establishment; number.

Sec. 3. Cooperative library boards representing local public libraries shall be established in accordance with this act and approved by the state board. The number of cooperative boards shall be determined by the state board in accordance with section 6.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.554 Preliminary cooperative plan for library services; contents; development.

Sec. 4. A preliminary cooperative plan for library services which sets forth a statement describing the specific services that will be rendered to those libraries participating in a cooperative library, the means and agencies by which the services will be rendered without duplication of existing resources and expertise, and the cooperative board that will receive funds and execute duties shall be developed by participating local public library boards.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.555 Eligibility for membership in cooperative library.

Sec. 5. To be eligible for membership in a cooperative library, a local library shall:

(a) Maintain a minimum local support of $\frac{3}{10}$ of a mill on state equalized valuation in the fiscal year before October 1 of the year before distribution.

(b) Participate in the development of cooperative library plans.

(c) Loan materials to other libraries participating in the cooperative library.

(d) Maintain an open door policy to the residents of the state, as provided by section 9 of article 8 of the state constitution of 1963.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.556 Area included in cooperative library.

Sec. 6. A cooperative library shall include those areas consisting of:

- (a) Two or more counties with a total population of at least 100,000.
- (b) One county plus portions of other counties with a population of at least 100,000.
- (c) One county or portion thereof with a population of at least 400,000.
- (d) Portions of 2 or more counties with a population of at least 350,000.
- (e) Combinations of counties or portions of counties serving a population of at least 50,000, if the region served has a population of 35 or less per square mile.

(f) The area covered by a cooperative library shall recognize the geosocioeconomic conditions within that area and regions established for governmental purposes throughout the state. A local board placed in a cooperative library shall have the option to petition the state board to be placed in a different cooperative library or to join with other local boards to form a cooperative library under this act. A local board serving an area adjoining more than 1 cooperative library shall have the option to determine the cooperative library in which it shall participate.

(g) The system board of an existing library system serving over 1,000,000 population may petition the state board for designation as a cooperative board and the state board shall designate that system board, as already constituted, as the cooperative board. If a cooperative board is a county library board, the cooperative plan shall provide for expanding the cooperative board to represent proportionately the population served in any other county or counties within the area of the cooperative library. This expanded cooperative board shall have authority over those matters affecting the operation of the cooperative library except for the property, personnel, and governmental relationships of the county whose board was designated as the cooperative board, which matters shall continue to be the responsibility of that county library board. The state board shall include in the cooperative library serving over 1,000,000 population the communities presently served by the existing system and all other communities not in another cooperative library within counties represented by members on the expanded cooperative board other than the designated system board members.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.557 Cooperative library board as representative of participating libraries; selection of members; existing systems.

Sec. 7. A cooperative library board shall be representative of the participating libraries except as specifically provided in section 6. It shall consist of 9 members with the method of selection to be stated in the approved plan as provided in section 4. In the case of existing systems which otherwise qualify as cooperative libraries, the number of board members and their relationship to existing governmental units may continue if approved by a majority of the participating libraries and specified in the approved plan.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.558 Cooperative library board; powers and duties.

Sec. 8. The cooperative library board shall:

- (a) Have powers which relate to the functioning of the cooperative library and the management and control of the cooperative library's funds and property.
- (b) Select a chairperson.
- (c) Be a body corporate and a juristic entity for social security and legal identity purposes.
- (d) Establish, maintain, and operate cooperative services for public libraries in the cooperative library's area.
- (e) Appoint a director or coordinator to administer the cooperative library, fix that person's compensation, and delegate those powers to that person as are in the best interest of the cooperative library, including the power to hire necessary employees.
- (f) Purchase books, periodicals, library materials, equipment, and supplies for the cooperative services.
- (g) Purchase sites, erect buildings, and lease suitable quarters, and have supervision and control of property of the cooperative library.
- (h) Enter into contracts to receive service from or give service to libraries in the state, including public, school, academic, or special libraries, other cooperative libraries and political subdivisions of the state.
- (i) Have exclusive control of expenditures for the cooperative library.
- (j) Accept gifts and donations of property, real and personal, for the benefit of the cooperative library and for the purposes for which donated.

(k) Adopt bylaws and rules not inconsistent with this act for its own government and do those things necessary to carry out the purposes of this act.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.559 Submission and contents of plan; approval of plan; jurisdiction.

Sec. 9. Following establishment of the cooperative library board, the board shall submit to the state board a plan which designates and describes the responsibilities of the cooperative library, provides for future selection of board membership, and gives notice of the cooperative board's meeting dates. The original plan and any substantial modification shall be approved by the state board. It is expressly understood the cooperative library board has no jurisdiction over the property or management of the local library.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.560 Fiscal year and funds of cooperative library.

Sec. 10. The fiscal year of the cooperative library is October 1 to September 30, except where the cooperative library must conform to the fiscal year fixed by another state law or local charter. The funds of the cooperative library shall be deposited in banks designated by the cooperative library board.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.561 Use of facilities and resources of member libraries; availability of services of cooperative library; appeal from refusal of service.

Sec. 11. Following establishment of the cooperative library board, residents of the cooperative library's area are eligible to use the facilities and resources of the member libraries subject to the rules of the cooperative library plan, as long as the local area has provided for library service either through a local library or contractual arrangements. Services of the cooperative library, including those of participating libraries, are to be available at reasonable times and on an equal basis within the areas served to school children, individuals in public and nonpublic institutions of learning, and a student or resident within the area who is eligible under other provisions of this act. An applicant refused service may appeal to the state board which shall review the operation of the cooperative library and may withhold state aid funds until the services are granted.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.562 Resolution requesting local library to become participating library; rights, duties, and privileges of participating library.

Sec. 12. Once a cooperative plan has been accepted by the state board, and a cooperative library board established, the board of a local library shall adopt a resolution requesting the local library become a participating library in the cooperative library. Duplicate copies of the resolution, certified by the clerk of the local board, shall be filed with the cooperative board. The cooperative board shall accept or show reason for denial of the request for membership within 60 days after filing. When the cooperative board has accepted the resolution, the resolution and the acceptance shall be indorsed and a copy filed with the state board. The participating library has the same rights, duties, and privileges as other libraries participating in that cooperative library.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.563 State aid for cooperative libraries.

Sec. 13. A cooperative library shall be granted continuing state aid at the rate of 50 cents per capita for its served population.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.564 Cooperative board to provide services to member libraries within area of cooperative library.

Sec. 14. The cooperative board shall provide, directly or through a written contract, services to member libraries within the cooperative library's area. The services, subject to standards approved by the state board, may include:

- (a) A central pool or rotating book collection.
- (b) In-service training.
- (c) Book selection aids.
- (d) Bibliographic services.
- (e) Audio-visual services.
- (f) Bookmobile service or other outlets to outlying areas.
- (g) Publicity and public relations.

- (h) Printing.
- (i) A centralized purchasing operation.
- (j) Centralized processing including cataloging and marking.
- (k) Reference services.
- (l) Delivery service.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.565 Payment for services by member libraries; cooperative library headquarters.

Sec. 15. When the state aid grant is insufficient to provide all services, the member libraries may be required to pay for services in a priority order to be specified in the cooperative plan. Cooperative library headquarters shall be linked to the library of Michigan and may be required upon adequate funding to provide other services considered essential to good public library service, and so designated by the state board.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 1982, Act 541, Eff. Mar. 30, 1983.

397.566 State aid for public libraries; reimbursing certain public libraries for portion of salary of head librarian; employee wage increases; certifying salary of head librarian.

Sec. 16. (1) A public library shall receive 35 cents per capita from state aid during the fiscal year 1977-78 if in the prior year the library received local support equal to that required by this act.

(2) A public library shall receive 50 cents per capita from state aid during the fiscal year 1978-79 if in the prior year the library received local support equal to that required by this act, the library has not reduced its local support by an amount equal to, or larger than, the state aid from the previous year without the approval of the state board, and the library meets the minimum standards established by the state board and this act.

(3) A public library belonging to a cooperative library shall receive from state aid for the fiscal year 1977-78 an additional 15 cents per capita, all or a part of which must be used to pay for cooperative services from the cooperative board as provided by section 15 and the cooperative plan.

(4) A public library belonging to a cooperative library shall receive from state aid each year after fiscal year 1977-78 an additional 50 cents per capita, all or part of which shall be used to pay for cooperative services from the cooperative board as provided by section 15 and the cooperative plan. When the cost of the cooperative library services has been paid, any remaining portion of the grant may be applied to local services under subsection (2). Each public library cooperative which qualifies under this act during fiscal year 1977-78 and following years shall receive an amount of \$10.00 per square mile for the area which it serves if the area served has less than 75 people per square mile.

(5) A public library which is a county library serving a population of 50,000 or less which appoints to the office of head librarian a person with either a bachelor of arts or a bachelor of science degree from a college or university approved by an accrediting association of more than statewide standing, including or supplemented by 1 full year of training in a library school accredited by the American library association and with at least 4 years' experience in an administrative capacity in an approved library, shall be reimbursed for that portion of the salary not exceeding \$400.00 for any 1 month or \$4,800.00 in any 1 year, if the county library received during the last completed fiscal year before the year in which distribution is to be made, from the county or counties not less than \$3,600.00 exclusive of money received from federal or state grants in aid to the library. Wage increases to present employees shall be paid equally by the state and local governments. Before September 6, December 6, March 6, and June 6 of the year of distribution, the county library board or the board's authorized agent shall certify to the state board the actual amount of the salary paid the head librarian during the 3-month period immediately preceding those months.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.567 Compliance with certification requirements as qualification for state aid.

Sec. 17. A cooperative library and public library shall conform to certification requirements for personnel as established by the state board in order to qualify for state aid.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.568 Application for state aid; certification.

Sec. 18. A cooperative library and public library desiring to participate in state aid shall apply before February 1 of each year of distribution. The applicant shall certify to the state board the amount of money received from each source during the last completed fiscal year before October 1 of the year of distribution.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.569 Distribution of state aid; statement; vouchers; warrants.

Sec. 19. The state board shall prepare a statement of the amount to be distributed in accordance with this act. Vouchers for disbursement of state aid shall be signed by an authorized agent of the board and delivered to the department of management and budget, which shall draw up warrants on the department of treasury in favor of the fiscal agent of the cooperative or local board. State aid shall be distributed by September 30 of the year of distribution.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.570 Deposit of money in separate fund; review of expenditures.

Sec. 20. A cooperative library or public library receiving state aid shall deposit the money in a separate fund. Expenditures from that fund are subject to review by the state board or its authorized representative.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.571 Expenditure of state aid.

Sec. 21. State aid paid to a cooperative library or a public library may be used for any expenditure, including the cost of intersystem or intrasystem contracts.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.572 Dispute; hearing; decision.

Sec. 22. When there is a dispute concerning the cooperative library to which a public library shall belong, services rendered to member libraries, or the operations of a cooperative system which cannot be resolved on the local level, the state board may hear the case. The decision of the state board shall be final.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.573 Needs considered by state board in carrying out powers and duties.

Sec. 23. The state board shall consider the following needs in carrying out its powers and duties:

(a) Library facilities shall be provided to residents of the area covered by a cooperative library without needless duplication of facilities, resources, or expertise.

(b) Establishment of a local library may be approved for state aid purposes where local conditions require an additional local library.

(c) Existing libraries and new libraries shall cooperate to provide adequate library services at a reasonable cost.

(d) Increased effort shall be made to provide residents the right to read with added emphasis on areas which normally cannot provide those services.

(e) Local responsibility, initiative, and support for library service shall be recognized and respected when provision is made for adequate local and cooperative library service.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.574 Repealed. 1982, Act 541, Eff. Mar. 30, 1983.

Compiler's note: The repealed section conferred authority on state board to promulgate rules.

397.575 Appropriation.

Sec. 25. There is appropriated for public libraries from the general fund of the state for the fiscal year ending September 30, 1977, and for each fiscal year thereafter, the sum necessary to fulfill the requirements of this act. The appropriation shall be distributed as provided in this act.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

397.576 Repeal of §§397.501 to 397.527.

Sec. 26. Act No. 285 of the Public Acts of 1965, being sections 397.501 to 397.527 of the Compiled Laws of 1970, is repealed.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977.

THE LIBRARY PRIVACY ACT
Act 455 of 1982

AN ACT to provide for the confidentiality of certain library records; and to provide for the selection and use of library materials.

History: 1982, Act 455, Eff. Mar. 30, 1983.

The People of the State of Michigan enact:

397.601 Short title.

Sec. 1. This act shall be known and may be cited as "the library privacy act".

History: 1982, Act 455, Eff. Mar. 30, 1983.

397.602 Definitions.

Sec. 2. As used in this act:

(a) "Library" includes a library which is established by the state; a county, city, township, village, school district, or other local unit of government or authority or combination of local units of governments and authorities; a community college district; a college or university; or any private library open to the public.

(b) "Library record" means a document, record, or other method of storing information retained by a library that identifies a person as having requested or obtained specific materials from a library. Library record does not include nonidentifying material that may be retained for the purpose of studying or evaluating the circulation of library materials in general.

History: 1982, Act 455, Eff. Mar. 30, 1983.

397.603 Library record not subject to disclosure requirements; release or disclosure of library record without consent prohibited; exception; procedure and form of written consent; hearing.

Sec. 3. (1) A library record shall not be subject to the disclosure requirements of Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(2) Unless ordered by a court after giving the affected library notice of the request and an opportunity to be heard thereon, a library or an employee or agent of a library shall not release or disclose a library record or portion of a library record to any person without the written consent of the person identified in that record. The procedure and form of giving written consent may be determined by the library.

(3) At a hearing conducted pursuant to subsection (2), a library may appear and be represented by counsel.

History: 1982, Act 455, Eff. Mar. 30, 1983.

397.604 Violation of §397.603; liability; civil action; damages; attorney fees and costs.

Sec. 4. A library or an agent or employee of a library which violates section 3 shall be liable to the person identified in a record that is improperly released or disclosed. The person identified may bring a civil action for actual damages or \$250.00, whichever is greater; reasonable attorney fees; and the costs of bringing the action.

History: 1982, Act 455, Eff. Mar. 30, 1983.

397.605 Selection and use of library materials.

Sec. 5. (1) Except as otherwise provided by statute or by a regulation adopted by the governing body of the library, the selection of library materials for inclusion in a library's collection shall be determined only by an employee of the library.

(2) Except as otherwise provided by law or by a regulation adopted by the governing body of the library, the use of library materials shall be determined only by an employee of the library.

History: 1982, Act 455, Eff. Mar. 30, 1983.

MICHIGAN HISTORICAL COMMISSION (EXCERPTS)

Act 271 of 1913

AN ACT to create the Michigan historical commission; to provide for the appointment of members of such commission; to fix their terms of office, prescribe their powers and duties, make an appropriation to carry out the provisions of this act; to provide for the listing and destruction of useless documents, books and papers; and to repeal all acts and parts of acts inconsistent herewith.

History: 1913, Act 271, Imd. Eff. May 8, 1913;—Am. 1943, Act 172, Eff. July 30, 1943.

The People of the State of Michigan enact:

399.7 Secretary of state as custodian of historical publications; distribution or exchange of publications; free copies of journal, Michigan history; appropriation to Michigan heritage publications fund; costs; sale of Michigan history; price; disposition and use of moneys.

Sec. 7. (1) The secretary of state shall be the custodian of the historical publications of the department of state and may distribute, exchange, or both distribute and exchange the publications with domestic and foreign states, governments, and institutions.

(2) The secretary of state shall furnish 1 copy of each volume of the journal, Michigan history, free of charge, to each cooperative library, in this state if officially requested to do so by the officers of the library.

(3) The secretary of state shall furnish to each member of the legislature 1 copy of each journal published during the legislator's term, free of charge, if requested to do so by the legislator.

(4) There is appropriated for the department of state for the fiscal year ending September 30, 1978, from the general fund of the state, to the Michigan heritage publications fund, the sum of \$23,000.00, or as much thereof as is necessary, for costs incurred by the journal, Michigan history, for printing, distributing, and promoting the journal. Except as provided in subsections (2) and (3), the secretary of state shall sell each copy of Michigan history at a price set by the secretary of state. After September 30, 1978, printing, distribution, and promotion costs incurred by the journal shall be paid exclusively from the Michigan heritage publications fund.

(5) The secretary of state may raise or lower the selling price of Michigan history to reflect changes in printing, distribution, and promotion costs incurred by the journal.

(6) The money collected from the sale of Michigan history shall be credited to a revolving fund created by this act which is called the Michigan heritage publications fund. The money shall be used to pay the printing, distribution, and promotion costs of Michigan history. The money in the revolving fund at the close of the fiscal year shall remain in the revolving fund to be used to finance printing, distribution, and promotion costs of the publication.

History: 1913, Act 271, Imd. Eff. May 8, 1913;—CL 1915, 10733;—Am. 1917, Act 192, Imd. Eff. May 8, 1917;—CL 1929, 8120;—Am. 1931, Act 245, Eff. Sept. 18, 1931;—CL 1948, 399.7;—Am. 1978, Act 209, Imd. Eff. June 4, 1978.

LIBRARIES AND LYCEUMS

R.S. 1846, Ch. 53

Of libraries and lyceums.

History: R.S. 1846, Ch. 53.

450.691 Libraries; incorporation; meeting, calling.

Sec. 1. Any 7 or more proprietors of a library may form themselves into a corporation, under such corporate name as they may adopt, for the purpose of enlarging, regulating and using such library; and for that purpose any justice of the peace may, on the application of 5 or more of the proprietors, issue his warrant to 1 of them, directing him to call a meeting of the proprietors at the time and place expressed in the warrant, for the purpose of forming such corporation, and such meeting shall be called by posting up a notice containing the substance of such warrant, in at least 2 public places in the township where such library is kept, at least 7 days before the time of meeting.

History: R.S. 1846, Ch. 53;—CL 1857, 1782;—CL 1871, 3146;—How. 4407;—CL 1897, 8164;—CL 1915, 10683;—CL 1929, 10176;—CL 1948, 450.691.

Cross-references: As to state library, see §397.51 et seq. As to city, village, and township libraries, see §397.201 et seq. As to service of process on corporations, see §606.1920. As to proof of service, see §600.1910.

450.692 Libraries; proprietors; powers; proceedings, certificate; recording.

Sec. 2. Any 7 or more of the proprietors of such library, met in pursuance of such notice, may choose a president, a clerk, a librarian, collector, treasurer, and such other officers as they may deem necessary; and they may also determine upon the mode of calling future meetings of the proprietors; and the proceedings of such first meeting, containing a specification of the corporate name adopted by such proprietors, shall be certified by the clerk of such corporation, and recorded by the county clerk of the county within which the same is formed, who shall be entitled to receive 75 cents for recording the same.

History: R.S. 1846, Ch. 53;—CL 1857, 1783;—CL 1871, 3147;—How. 4408;—CL 1897, 8165;—CL 1915, 10684;—CL 1929, 10177;—CL 1948, 450.692.

450.693 Libraries; powers of corporation; governing law.

Sec. 3. When such proprietors shall be organized as a corporation in the manner hereinbefore provided, they shall have all the powers and privileges, and be subject to all the duties of a corporation, according to the provisions of chapter 55, so far as such provisions shall be applicable in such case, and not inconsistent with the provisions of this chapter.

History: R.S. 1846, Ch. 53;—CL 1857, 1784;—CL 1871, 3148;—How. 4409;—CL 1897, 8166;—CL 1915, 10685;—CL 1929, 10178;—CL 1948, 450.693.

Compiler's note: For provisions of chapter 55, referred to in this section, see §450.504 et seq.

Cross-references: As to general corporation act, see §450.1 et seq. As to business corporation act, see §§450.1101 to 450.2099.

450.694 Libraries; collector and treasurer, bond.

Sec. 4. The treasurer and collector shall give bond to such corporation, with sufficient sureties, to the satisfaction of the president, for the faithful discharge of their duties.

History: R.S. 1846, Ch. 53;—CL 1857, 1785;—CL 1871, 3149;—How. 4410;—CL 1897, 8167;—CL 1915, 10686;—CL 1929, 10179;—CL 1948, 450.694.

450.695 Libraries; shares, assessment and transfer; holding of property.

Sec. 5. The said proprietors may raise such sums of money by assessment on the shares as they shall judge necessary for the purpose of preserving, enlarging and using the library; and the shares may be transferred according to such regulations as they may prescribe, and such corporation may hold (and may acquire by gift, grant, bequest or devise) real and personal estate to any amount not exceeding (25,000 dollars), in addition to the value of their books; (and may hold in trust property granted, bequeathed or devised as may be prescribed by the grantor or testator; and may be the beneficiaries of trusts created for their benefit).

History: R.S. 1846, Ch. 53;—CL 1857, 1786;—CL 1871, 3150;—How. 4411;—CL 1897, 8168;—Am. 1899, Act 10, Imd. Eff. Mar. 2, 1899;—CL 1915, 10687;—CL 1929, 10180;—CL 1948, 450.695.

Cross-references: As to uniform stock transfer act, see §440.8309 et seq. As to effect of indefiniteness on gifts, grants, and devises, see Act 280 of 1915, being §554.351 et seq. As to validity of gifts, grants, or devises in perpetuity, see Act 373 of 1925, being §§554.381 and 554.382. As to sale of lands in case of change in condition, see Act 258 of 1925, being §§554.401 to 554.404.

450.696 Libraries; organization; powers.

Sec. 6. Any 15 or more persons, in any township or county within this state, who shall by writing associate for the purpose of mental improvement, and the promotion of education, may form themselves into a corporation by the name of "the lyceum of _____," (the name of the place where the meetings of the corporation are to be holden) by calling their first meeting and being organized in like manner as is provided in this chapter, in the case of library corporations, and every lyceum, upon becoming a corporation as aforesaid, shall have, during the pleasure of the legislature, all the like rights, powers, and privileges, as the proprietors of such libraries, and may hold real and personal estate, not exceeding 6,000 dollars.

History: R.S. 1846, Ch. 53;—CL 1857, 1787;—CL 1871, 3151;—How. 4412;—CL 1897, 8169;—CL 1915, 10688;—CL 1929, 10181;—CL 1948, 450.696.

Cross-references: As to general organization, see §450.504 et seq. As to service of process on corporations, see §600.1920. As to service of process on partnership associations or unincorporated voluntary associations, see §600.1923.

**MARKING COUNTERFEIT, ALTERED,
OR WORTHLESS BILLS (EXCERPTS)****Act 165 of 1865**

AN ACT making it obligatory upon banks and bankers in this state to stamp counterfeit, altered and worthless bank bills.

History: 1865, Act 165, Eff. June 22, 1865.

The People of the State of Michigan enact:

487.552 Marking of counterfeit, altered, or worthless bills; penalty for failure; recovery; disposition of proceeds; civil liability for mistaken marking.

Sec. 2. Any bank or banker willfully or knowingly neglecting or refusing to write upon or stamp any bill or bills, knowing them to be counterfeit, altered or worthless, as presented in the preceding section, shall forfeit and pay the purported value of the bill or bills allowed to pass without being so written upon or stamped, to be recovered before any court having jurisdiction, and paid into the county treasury for the benefit of the library fund; and if any bank or banker, or bank officer, shall so write upon or stamp a bank bill which is not a counterfeit, or altered or worthless bill, such bank or banker, or bank officer, shall only be liable to pay the holder thereof the value of such bill or bills, which shall be paid on presentation and surrender of such bill or bills to the person stamping or marking the same.

History: 1865, Act 165, Eff. June 22, 1865;—CL 1871, 2256;—How. 3211;—CL 1897, 5278;—CL 1915, 6723;—CL 1929, 12071;—CL 1948, 487.652.

REVISED JUDICATURE ACT OF 1961 (EXCERPTS)
Act 235 of 1961

AN ACT to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1974, Act 62, Imd. Eff. Mar. 28, 1974.

The People of the State of Michigan enact:

CHAPTER 21

EVIDENCE

600.2136 Library book or paper; copy as evidence; fee; false certification.

Sec. 2136. (1) Any copy of the records, books or papers belonging to or in the custody of any public, college or university library, or of any incorporated library society, when accompanied by a sworn statement by the librarian or other officer or person in charge thereof, that the same is a true copy of the original record, book or paper in his custody, shall be admissible as evidence in all courts and proceedings in like manner and to the same extent as the original would be if produced.

(2) Any photostat copy of the records, books, papers or documents belonging to or in the custody of any public, college or university library, or of any incorporated library society, when accompanied by a sworn statement made by the librarian or other officer or person in charge thereof, stating that the copy is made under his supervision or that of a duly authorized representative, and that nothing has been done to alter or change the original, and that the same is a true photostat copy of the original record, book, paper, or document in his custody, shall be admissible as evidence in all courts and proceedings in like manner as the original would be if produced.

(3) For making and certifying such copies, a fee of 25 cents, and for making and certifying each photostat copy, a fee of \$1.00, may be charged and a further charge may be made of 10 cents per folio and 50 cents per photostat sheet for copies actually made.

(4) Anyone who shall certify falsely in regard to any of the foregoing copies shall be guilty of a felony and, upon conviction thereof in any court of competent jurisdiction, shall be subject to the same penalties provided by statute for perjury.

History: 1961, Act 236, Eff. Jan. 1, 1963.

CHAPTER 29

PROVISIONS CONCERNING SPECIFIC ACTIONS

600.2917 Liability of merchant or library for conduct involving person suspected of larceny of goods or of library materials; definitions.

Sec. 2917. (1) In any civil action against a library or merchant, or an agent of the library or merchant, for false imprisonment, unlawful arrest, assault, battery, libel, or slander, if the claim arose out of conduct involving a person suspected of removing or of attempting to remove, without right or permission, goods held for sale in a store from the store, or library materials from a library, and if the merchant, library, or agent of the merchant or library had probable cause for believing and did believe that the plaintiff had committed or aided or abetted in the larceny of goods held for sale in the store, or of library materials, damages for or resulting from mental anguish or punitive, exemplary, or aggravated damages shall not be allowed a plaintiff, unless it is proved that the merchant, library, or agent of the merchant or library used unreasonable force, detained plaintiff an unreasonable length of time, acted with unreasonable disregard of plaintiff's rights or sensibilities, or acted with intent to injure plaintiff.

(2) As used in this section:

(a) "Library" includes a public library; a library of an educational, historical, or eleemosynary institution or organization; a museum; an archive; and a repository of public records, or historical records, or both.

(b) "Library material" includes a plate; picture; photograph; engraving; painting; drawing; map; newspaper; book; magazine; pamphlet; broadside; manuscript; document; letter; public record; microfilm; sound recording; audiovisual material; magnetic or other tape; electronic data processing record; artifact; and other documentary, written, or printed material.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1983, Act 223, Imd. Eff. Nov. 28, 1983.

CHAPTER 48

COLLECTION OF PENALTIES, FINES, AND FORFEITED RECOGNIZANCES

600.4845 Moneys from fines and penalties; duties of county treasurer.

Sec. 4845. (1) The county treasurer shall credit all fines for the violation of the penal laws to the library fund and all other penalties to the general fund; and he shall account therefor to the board of supervisors annually.

(2) In case of the sale of any real estate upon an execution upon judgment rendered for the breach of any recognizance in any criminal case the county treasurer shall, in case there are no bidders to the full amount of any such judgment or the value of the property advertised, bid off the same. If the same is not redeemed within the time allowed by law for the redemption thereof, the county treasurer shall sell the same for the best price he can obtain therefor, and place the money received in the general fund.

History: 1961, Act 236, Eff. Jan. 1, 1963.

Cited in other sections: Section 600.4845 is cited in §397.37.

600.4851 County law library fund; maximum sums credited from library fund; payment upon order of circuit judge or presiding judge; annual report.

Sec. 4851. (1) In each county the county treasurer shall credit semiannually to a fund to be known as the county law library fund, from the library fund, an amount as follows:

(a) In counties having a population of 250,000 or more, but less than 1,000,000 inhabitants, the sum credited shall not exceed:

(i) For 1981, \$4,000.00.

(ii) For 1982, \$6,250.00.

(iii) For 1983 and each year thereafter, \$8,500.00.

(b) In counties having a population of 50,000 or more, but less than 250,000 inhabitants, the sum credited shall not exceed:

(i) For 1981, \$3,000.00.

(ii) For 1982, \$4,750.00.

(iii) For 1983 and each year thereafter, \$6,500.00.

(c) In counties of 35,000 or more, but less than 50,000 inhabitants, the sum credited shall not exceed:

(i) For 1981, \$2,000.00.

(ii) For 1982, \$3,250.00.

(iii) For 1983 and each year thereafter, \$4,500.00.

(d) In counties of 20,000 or more, but less than 35,000 inhabitants, the sum credited shall not exceed:

(i) For 1981, \$1,500.00.

(ii) For 1982, \$2,500.00.

(iii) For 1983 and each year thereafter, \$3,500.00.

(e) In counties of 10,000 or more, but less than 20,000 inhabitants, the sum credited shall not exceed:

(i) For 1981, \$1,000.00.

(ii) For 1982, \$1,750.00.

(iii) For 1983 and each year thereafter, \$2,500.00.

(f) In counties of less than 10,000 inhabitants, the sum credited shall not exceed:

(i) For 1981, \$750.00.

(ii) For 1982, \$1,375.00.

(iii) For 1983 and each year thereafter, \$2,000.00.

(2) All money credited to the county law library fund shall be paid out by the county treasurer only upon the order of the circuit judge in multiple county circuits or upon the order of the presiding judge in single county circuits for the purpose of establishing, operating, and maintaining a law library for the use of the circuit, district, and probate courts in the county and for the officers of the courts and persons having business in the courts.

(3) The county law librarian, or other person as the circuit or presiding judge shall designate, shall make a detailed report, before January 2 of each year of the sums expended for books for the county law library. The annual report shall be filed with the county clerk.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1982, Act 18, Imd. Eff. Mar. 3, 1982;—Am. 1982, Act 173, Imd. Eff. June 4, 1982.

Cited in other sections: Section 600.4851 is cited in §397.37.

CHAPTER 83

DISTRICT COURT: JURISDICTION; POWERS

600.8379 Fines and costs; payment; disposition.

Sec. 8379. Fines and costs assessed in the district court shall be paid to the clerk of the court who shall appropriate them as follows:

(a) A fine imposed for the violation of a penal law of this state and a civil fine ordered in a civil infraction action for violation of a law of this state shall be paid to the county treasurer and applied for library purposes as provided by law.

(b) In districts of the first and second class, costs imposed for the violation of a penal law of this state or ordered in a civil infraction action for the violation of a law of this state shall be paid to the treasurer of the county in which the action was commenced. In districts of the third class, costs imposed for the violation of a penal law of this state or ordered in a civil infraction action for the violation of a law of this state shall be paid to the treasurer of the political subdivision where the guilty plea or civil infraction admission was entered or where the trial or civil infraction action hearing took place.

(c) In districts of the first and second class, $\frac{1}{2}$ of all fines and costs, other than those imposed for the violation of a penal law of this state or ordered in a civil infraction action for the violation of a law of this state, shall be paid to the political subdivision whose law was violated and $\frac{1}{2}$ shall be paid to the county in which the political subdivision is located. In districts of the third class, all fines and costs, other than those imposed for the violation of a penal law of this state or ordered in a civil infraction action for the violation of a law of this state, shall be paid to the political subdivision whose law was violated, except that where fines and costs are assessed in a political subdivision other than the political subdivision whose law was violated, $\frac{2}{3}$ shall be paid to the political subdivision where the guilty plea or civil infraction admission was entered or where the trial or civil infraction action hearing took place and the balance shall be paid to the political subdivision whose law was violated.

(d) In a district of the third class, if each political subdivision within the district, by resolution of its governing body, agrees to a distribution of fines and costs, other than fines imposed for the violation of a penal law of this state or ordered in a civil infraction action for the violation of a law of this state, differently than as provided by this section, the distribution of those fines and costs among the political subdivisions of that district shall be as agreed to. An existing agreement applicable to the distribution of fines and costs shall apply with the same effect to the distribution of civil fines and costs ordered in civil infraction actions.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968;—Am. 1969, Act 239, Eff. Sept. 1, 1969;—Am. 1978, Act 511, Eff. Aug. 1, 1979;—Am. 1979, Act 67, Eff. Aug. 1, 1979.

Cited in other sections: Section 600.8379 is cited in §§41.183, 42.21, and 117.31.

**DISSEMINATING, EXHIBITING, OR DISPLAYING
SEXUALLY EXPLICIT MATTER TO MINORS (EXCERPTS)**

Act 33 of 1978

AN ACT to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts.

History: 1978, Act 33, Eff. June 1, 1978.

The People of the State of Michigan enact:

722.675 Distributing obscene matter to minor; misdemeanor; penalty.

Sec. 5. (1) A person is guilty of distributing obscene matter to a minor if that person does either of the following:

- (a) Knowingly disseminates to a minor sexually explicit visual or verbal material that is harmful to minors.
- (b) Knowingly exhibits to a minor a sexually explicit performance that is harmful to minors.

(2) A person knowingly disseminates sexually explicit matter to a minor when the person knows both the nature of the matter and the status of the minor to whom the matter is disseminated.

(3) A person knows the nature of matter if the person either is aware of the character and content of the matter or recklessly disregards circumstances suggesting the character and content of the matter.

(4) A person knows the status of a minor if the person either is aware that the person to whom the dissemination is made is under 18 years of age or recklessly disregards a substantial risk that the person to whom the dissemination is made is under 18 years of age.

(5) Distributing obscene matter to a minor is a misdemeanor, punishable by imprisonment for not more than 2 years or a fine of not more than \$10,000.00, or both. In imposing the fine authorized for this offense, the court shall consider the scope of the defendant's commercial activity in distributing obscene matter to minors.

History: 1978, Act 33, Eff. June 1, 1978.

722.676 Persons excepted from §722.675.

Sec. 6. Section 5 does not apply to the dissemination of sexually explicit matter to a minor by any of the following persons:

(a) A parent or guardian who disseminates sexually explicit matter to his or her child or ward.

(b) A teacher or administrator at a public or private elementary or secondary school which complies with the provisions of Act No. 451 of the Public Acts of 1976, being sections 380.1 to 380.1853 of the Michigan Compiled Laws, who disseminates sexually explicit matter to a student as part of a school program permitted by law.

(c) A licensed physician or certified psychologist who disseminates sexually explicit matter in the treatment of a patient.

(d) A librarian employed by a library of a public or private elementary or secondary school which complies with the provisions of Act No. 451 of the Public Acts of 1976, or employed by a public library, who disseminates sexually explicit matter in the course of that person's employment.

(e) Any public or private college or university or any other person who disseminates sexually explicit matter for a legitimate medical, scientific, governmental, or judicial purpose.

History: 1978, Act 33, Eff. June 1, 1978.

THE MICHIGAN PENAL CODE (EXCERPTS)
Act 328 of 1931

AN ACT to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.

History: 1931, Act 328, Eff. Sept. 18, 1931.

The People of the State of Michigan enact:

CHAPTER LII

LARCENY

750.364 Larceny from libraries.

Sec. 364. Larceny from libraries—Any person who shall procure, or take in any way from any public library or the library of any literary, scientific, historical or library society or association, whether incorporated or unincorporated, any book, pamphlet, map, chart, painting, picture, photograph, periodical, newspaper, magazine, manuscript or exhibit or any part thereof, with intent to convert the same to his own use, or with intent to defraud the owner thereof, or who having procured or taken any such book, pamphlet, map, chart, painting, picture, photograph, periodical, newspaper, magazine, manuscript or exhibit or any part thereof, shall thereafter convert the same to his own use or fraudulently deprive the owner thereof, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.364.

Former law: See section 2 of Act 3 of 1881, being How., §9211; CL 1897, §11641; CL 1915, §1,407; CL 1929, §17020; and Act 58 of 1911.

CHAPTER LVI

MALICIOUS AND WILFUL MISCHIEF AND DESTRUCTION

750.391 Maliciously injuring or mutilating library books.

Sec. 391. Maliciously injuring or mutilating library books—Any person who shall wilfully, maliciously or wantonly tear, deface or mutilate or write upon, or by other means injure or mar any book, pamphlet, map, chart, painting, picture, photograph, periodical, newspaper, magazine, manuscript or exhibit or any part thereof belonging to or loaned to any public library, or to the library of any literary, scientific, historical or library society or association, whether incorporated or unincorporated, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.391.

Former law: See section 1 of Act 3 of 1881, being How., §9210; CL 1897, §11640; CL 1915, §15406; CL 1929, §17019; and Act 58 of 1911.

Cross-references: As to state library, see §397.51 et seq. As to local libraries, see §397.201 et seq. As to power of city councils to pass ordinances imposing a penalty for injury to library property, see §397.208.

DISTURBANCE OF RELIGIOUS MEETINGS (EXCERPTS)

R.S. 1846, Ch. 158

Of offences against chastity, morality and decency.

History: R.S. 1846, Ch. 158.

The People of the State of Michigan enact:

752.526 Religious meeting, disturbance, carrying on certain business within two miles, obstruction of highway; penalty, disposal of fine.

Sec. 26. Whoever shall violate either of the provisions of the foregoing section, may be convicted summarily before any justice of the peace of the county, or any mayor, recorder, alderman or other magistrate of any city or township where the offence shall be committed, and on such conviction shall forfeit a sum not exceeding 25 dollars, for the benefit of the township libraries, in the township in which such conviction is had.

History: R.S. 1846, Ch. 158;—CL 1857, 6881;—CL 1871, 7715;—How. 9301;—CL 1897, 11714;—CL 1915, 15489;—CL 1929, 16840;—CL 1948, 752.526.

UNAUTHORIZED TRANSFER OF RECORDED SOUND
Act 274 of 1975

AN ACT to prohibit the unauthorized transfer of recorded sound and the sale, transfer, advertising, or possession for sale or transfer, of products resulting therefrom; and to provide penalties and remedies.

History: 1975, Act 274, Eff. Mar. 31, 1976.

The People of the State of Michigan enact:

752.781 "Owner" defined.

Sec. 1. As used in this act, "owner" means the person who owns the original fixation of sounds embodied in the master phonograph record, master disc, master tape, master film, or other article used for reproducing sound on phonograph records, discs, tapes, films, or other articles upon which sound is recorded, and from which the transferred recorded sound is directly or indirectly derived.

History: 1975, Act 274, Eff. Mar. 31, 1976.

752.782 Transfer of recorded sound for sale or sales promotion without consent of owner; penalty.

Sec. 2. (1) A person, without the consent of the owner, shall not transfer or cause to be transferred sound recorded on a phonograph record, disc, wire, tape, film, or other article on which sound is recorded, with the intent to sell or cause to be sold for profit or used to promote the sale of a product, the article on which the sound is so transferred.

(2) A person who violates this section shall be guilty of a misdemeanor punishable by imprisonment for not more than 1 year, or a fine of not more than \$5,000.00, or both.

History: 1975, Act 274, Eff. Mar. 31, 1976.

752.783 Advertising or sale of recorded sound without consent of owner.

Sec. 3. (1) A person, knowing or having reasonable grounds to know that the sound thereon has been transferred without the consent of the owner, shall not advertise, sell, resell, offer for sale or resale, or possess for the purpose of sale or resale, an article that has been produced in violation of section 2.

(2) A person who violates this section shall be guilty of a misdemeanor punishable by a fine of not more than \$100.00 for each offense.

History: 1975, Act 274, Eff. Mar. 31, 1976.

752.784 Recordings to which §§752.782 and 752.783 applicable.

Sec. 4. Sections 2 and 3 of this act shall apply only to those recordings originally fixed before February 15, 1972, which were not protected by 17 U.S.C. section 1(f).

History: 1975, Act 274, Eff. Mar. 31, 1976.

752.785 Persons to whom act inapplicable.

Sec. 5. This act does not apply to a person who transfers or causes to be transferred sound:

(a) Intended for or in connection with radio or television broadcast transmission or related uses.

(b) For archival, library, or educational purposes.

(c) Solely for the personal use of the person transferring or causing the transfer and without any compensation being derived by the person from the transfer.

History: 1975, Act 274, Eff. Mar. 31, 1976.

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